The Nation.

NEW YORK, THURSDAY, AUGUST 20, 1891.

The Week.

THE multiplying evidence of good crops at home and of a large foreign demand has at last made itself felt in the Stock Exchange. The principal, if not the only, cloud on the market during the past two or three months has been the apprehension of a change in the standard of value. Even that apprehension cannot overbalance the favorable outlook in the material world. It is never safe to make predictions as to the general course of the stock market or as to special parts of it. But it is as certain that the bulls will have their innings after a long depression as that the bears will have theirs after a protracted "boom." The "boom" in the grain market seems to have come very suddenly, like the outburst of a Yellowstone geyser, yet it ought not to surprise anybody. All the facts that are now known had been known weeks before. It only needed something unexpected to "touch off" the geyser. This was found in the Russian ukase against the exportation of rye. The ukase will not make the difference of one grain in the amount of food raised this year for human consumption, although it may prevent the most useful and economical distribution of what has been raised. But its effect upon the imaginations of men both here and abroad has been very great, and we may expect great fluctuations from this time onward, in which the stock market will share. It should be borne in mind, however, that there is a limit to the price that the Old World can pay for our surplus. Europe is far from being prosperous at the present time. The crisis of last autumn has not yet spent its force. Therefore the grain speculators who are jostling each other so fiercely in the wheat pits of New York, Chicago, and St. Louis, should beware lest they get loaded with grain which foreign countries cannot take off their hands at a profit to them.

The Secretary of the Treasury, in the numerous interviews that he allows to newspaper reporters, sometimes tells more than he ought to. He told a *Herald* reporter the other day that, in case a large amount of 4½ per cent. bonds should be presented for payment, he had more resources for meeting them than the public were aware of. Among these he mentioned the 5 per cent. redemption fund of the national banks, and the balances in the hands of disbursing officers. The 5 per cent. fund must not be confounded with the fund deposited by national banks *going into liquidation, or retiring their circulation.* It is a separate fund for the daily redemption of national bank notes, in gold or in greenbacks. It amounts to about $10,000,000. It is at least doubtful whether the Secretary has the right to use this money for any purpose except that for which it has been deposited. The law says that the amount so deposited by each bank "shall be counted as a part of its lawful reserve." The Secretary would have no right to lay his hands on any other part of a bank's lawful reserve; it is not easy to see how his rights in this particular are enhanced by the fact that one part of the bank's lawful reserve happens to be situated within his reach. Disbursing officers' balances are, however, quite within his discretion, and there is no doubt that, by curtailing and postponing here and there, the Secretary can meet these maturing bonds without much difficulty.

Mr. Theodore Roosevelt's report to the President upon the Civil-Service Commission's investigation of the doings of Republican Federal office-holders in primaries in Baltimore is a very valuable document, marked by its author's characteristic candor. There are several passages in it which will serve as definitions for those peculiar proceedings which are carried on under the general name of "politics" by the professionals of both parties in all parts of the country. The quarrel which he was investigating was between two factions of the Republican party, both claiming to be "loyal to the Administration," it being made plain by their testimony that "both sides use the term 'Administration' as merely synonymous with office-holders." On this point Mr. Roosevelt says:

> "As far as I could find out from the witnesses, there seemed to be no question of principle at stake at all, but one of offices merely. Seemingly, many regarded victory in the primaries as of more importance than victory at the polls, because the former gave control of the party machinery, and would, therefore, in their own language, entitle them to recognition in the distribution of patronage. Apparently they cared primarily for the offices, party success being purely a secondary consideration, important only because it facilitated getting them. It seems to me that this fact alone furnishes a tolerably accurate measure of the much-vaunted usefulness to any party of the office-mongering, office-seeking, and office-holding variety of ward worker."

That is a very accurate description of what is going on in this State at present, and fits the "Tom" Platt style of politics perfectly. Mr. Roosevelt says there was a "general feeling that whatever side had the majority of judges of election had the election," and that cheating in primaries was spoken of as being too universal and common to excite remark.

The comment which Mr. Roosevelt makes upon these frank confessions well deserves the prayerful consideration of President Harrison, and we hope will not fail to receive it:

> "This testimony has a certain value aside from its relation to the case in question, for undoubtedly the witnesses simply expressed in naked form what the average politician of the spoils variety believes. No greater service can be rendered the cause of decent government than to impress on the mind of the average citizen that such views as those expressed are those which are held by the great bulk of the people actively interested in opposing the cause of civil-service reform. Politics cannot possibly be put upon a healthy basis until this idea is absolutely eradicated. The ward worker who is simply in politics for the offices, is a curse to the community."

We agree with all that most sincerely, but we suggest that there is another way by which greater service can be rendered to the cause of decent government than by impressing the facts mentioned on the mind of the average citizen, and that is by so impressing them upon the mind of the average President that, after entering upon the duties of his office, he will keep the civil-service-reform pledges which he made before election. Mr. Roosevelt's report goes on to show that the spoilsmen have complete control of the Baltimore Post-office, and that the Postmaster makes no secret of managing his office in their interest. All that he says is true, and furnishes the most startling picture yet presented to the President of the fruits of his policy in violating his civil-service-reform pledges. What he has accomplished in Baltimore he is now seeking to accomplish in New York. Mr. Roosevelt has already done some service here in letting the light of publicity in upon the doings of our spoilsmen, and if Collector Fassett goes on as he has begun, the Commissioner will have abundant field for further usefulness in the near future.

It is clearly the intention of Mr. Fassett to leave no doubt in the public mind as to why he has been put by "Tom" Platt into the office of Collector. He had scarcely taken the oath of office before he left the city to take the leadership of the Platt faction in a party quarrel in Chemung County. He appeared there on Saturday, took the lead of the Platt forces in person, presided over their convention to elect delegates to the Republican State Convention, and had himself chosen to head the delegation. As the anti-Platt faction held a separate convention at the same time, and chose an anti-Platt delegation, Chemung County will present rival delegations, thus precipitating a factional wrangle in the State Convention with the Collector of the Port of New York as one of the leaders of the fray. On the other side the leaders are two Republican postmasters, one of Elmira and the other of Horseheads, so that the Republican State Convention is likely to have the edifying spectacle of a lively fight over spoils between two factions each under the leadership of Harrison appointees. We trust that in view of this singular proceeding the usual humbug about devotion to civil-service-reform principles will be omitted.

Last week the letter-carriers held a national convention at Detroit, Mich., and adopted a resolution calling for the extension of the Civil-Service Law to all free-delivery

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cities of the country, instead of its being confined, as now, to the comparatively few offices which have fifty employees. This week the chiefs of fire departments throughout the country have been holding a national convention at Springfield, Mass., and the sentiment against the spoils system was equally pronounced. The President of the Association laid great stress upon the importance of keeping the fire department out of politics. "A politician," he said, "has no right in a fire department. To bring politics into a department is to destroy its usefulness. A man worthy to be a fireman must be educated in his business, and can't be a ward heeler at the same time." He mentioned the names of a number of worthy chiefs hanging by a thread on account of politics, and expressed his belief that such a condition of affairs was entirely unjust. These remarks were delivered with great earnestness, and were received with rounds of applause by his hearers.

The Attorney-General of Pennsylvania, Mr. Hensel, has served notice upon the Philadelphia newspapers which paid Bardsley a 40 per cent. commission on city advertising, that they must refund the amount to the State before September 1, or he will bring suit to recover it. One of the newspapers concerned, the *Inquirer*, is very indignant at the Attorney-General's conduct, calling it "bluff" and "buncombe," declaring that it is "nobody's business" what became of the money which the newspapers chose to pay as a bonus to Bardsley for the advertising, and expressing its belief that Mr. Hensel can never recover a cent of it. After this impressive deliverance the *Inquirer* goes on to say:

> "It seems that the commission paid found its way back to Bardsley without the knowledge of the papers. The incident only shows what a grasping individual this particular scoundrel was. He stopped at nothing to make a penny. But, for the benefit of all future Treasurers, the *Inquirer* wishes to remark right here that it proposes to halt this sort of business. It is not dependent upon official 'ads.' It will publish them like any other advertisements, but no commissions will be paid from this office, and it will make it pretty lively for any official or agent that seeks them from any newspaper in the future."

The pretence herein advanced that the newspapers in question had no suspicion that the 40 per cent. commission they were paying went to Bardsley is put forward, of course, in the hope of concealing from the public the fact that they were dividing with "this particular scoundrel" the profits of a raid on the city treasury.

Writing about Mr. Lowell's Americanism, in a cable message published in Sunday's *Tribune*, Mr. G. W. Smalley takes occasion to denounce in fitting terms the attacks which the *Tribune* made upon it a few years ago. These attacks, it will be remembered, were made at a time when the *Tribune* was courting the support of the Pat Ford or dynamite faction of the Irish voters for Mr. Blaine's candidacy. They began in January, 1888, and ran on through the summer. While they were in progress, Pat Ford was held up to public admiration as a man who was "essentially American in his views of all questions relating to his adopted country." One of the bitterest attacks was published on January 5, 1888, under the title of "Americanism," and another on April 15, after Mr. Lowell had delivered his address before the Reform Club on the subject of "The Independent in Politics." In order to show how perfectly Mr. Smalley's rebuke fits the *Tribune's* crime, we place it side by side with a passage from the article of the first-named date:

[G. W. Smalley in the *Tribune*, Aug. 16, 1891.]

His Americanism was the dominant passion of his life; that, and not poetry, nor letters, nor even those friendships and affections which were to him as the air he breathed.

There is no need of any private testimony to it, mine or another's. It is writ large throughout the record of the years he spent in England. It is stamped on every act he did as Minister, and was the warp on which was woven the web of all his English associations and sympathies. We all know how often, while he was Minister, the contrary was said. It was said sometimes ignorantly, often dishonestly, always either with some personal ill-will or with some political end to be compassed by the sayer. If I refer to those splenetic criticisms, it is mainly in order to express the hope that now, when they can no longer serve a selfish purpose, they may be forgotten, as he tried to forget them. Undoubtedly they gave him pain. So far the object of those who uttered them was accomplished. But none of them, nor all of them, ever caused him to swerve from the path he had traced for himself, the path of strict duty, which, while he was Minister, he followed patiently and loyally to the end.

[Editorial Article in the *Tribune*, Jan. 5, 1888.]

Americanism has remained unchanged since "Jonathan to John" and "Commemoration Ode" were written. Mr. Lowell, who was once saturated with its spirit, has gradually got out of touch with it. His protracted residence in England, the social attentions showered upon him there, his intimacy with titled people, the lavish compliments paid to his after-dinner speeches, and the prestige he has won in London as an Englishman who was accidentally born in the United States, but never really belonged there, has wrought a complete transformation of his Americanism. Even when he was Minister at the Court of St. James's he had shown indifference to the rights of Americans imprisoned abroad; and since the appointment of his successor he has become more and more English and less and less American in his opinions and tastes. So complete is the estrangement that he no longer feels at home in America. . . . What Americanism was in Mr. Lowell's best days it has remained. . . . This is Americanism of the highest type. Mr. Lowell no longer represents it; he has no faith in it, and has almost ceased to understand it.

A decision of much importance has just been rendered at Memphis by Judge Hammond of the United States Circuit Court, Judge Jackson concurring, the principal point involved being the interpretation of the phrase "due process of law" in the Fourteenth Amendment to the Constitution. As is well known, this phrase and the equivalent expression, "the law of the land," got into our constitutions owing to a popular misconception of their importance, but they have not been disregarded, although their interpretation has greatly perplexed the courts. The case decided by Judge Hammond was that of a Seventh Day Adventist who was found guilty of committing a nuisance at common law by ploughing on Sunday. He sued out a writ of habeas corpus upon the ground that there was no law in Tennessee to justify his conviction, and that therefore he was deprived of his liberty without due process of law. In some very interesting *obiter dicta* Judge Hammond expresses the opinion that the prisoner was wrongfully convicted, reviewing Sunday legislation and the question of religious liberty at length; but he finds that the courts of the United States have no power to interfere in the matter. These courts, he says, are not tribunals that can review and reverse convictions in the State courts "that may be illegal in the sense that they are founded on an erroneous judgment as to what the statute or the common law of the State may be. If so, every conviction in the State courts would be reversible in the Federal courts where errors of law could be assigned." The principal ground, however, upon which Judge Hammond bases his decision is that the judges of a State are the depositaries of the common law of that State, just as the statute-book is the depository of the statute law; "and when they speak, the law is established and none can gainsay it." In this case, the verdict of the jury and the judgment of the court established by "due process of law" two things: one, that to work on Sunday was a nuisance according to the common law of Tennessee; the other, that the prisoner had worked on Sunday. The prisoner was therefore remanded, although Judge Hammond is entirely satisfied that there is no such common law as the Tennessee court declared. The opinion is carefully considered, and perhaps goes no further than the slaughter-house cases, but we should have been glad to have Judge Hammond state just what rights are secured by the Fourteenth Amendment, if it does not protect a citizen against being punished for violating a law which has no existence. As the case will be taken to the Supreme Court by the Seventh-Day Adventists, it is unnecessary to comment on it further at present, but the decision there will be awaited with much interest.

The confidential agent in this country of the Chilian Congressional party has just published an "Exposition" of the cause which he represents. We should think it well adapted to its object of securing sympathy from Americans for men who are struggling for what they sincerely believe are their rights and liberties. Quite unlike the frothy manifesto recently issued in Washington as the justification of Balmaceda, this pamphlet is remarkably restrained and dignified in tone, and vigorous in logic and fact more than in rhetoric. If it glides over the constitutional difficulties which undoubtedly exist in its own case, it sets forth with unsparing hand the utterly illegal and outrageous procedure of Balmaceda. Especially does it make clear, by the citation of documents proving his high-handed overriding of the election laws, how impossible it is for the Congressionalists to recognize for a moment the farcical elections of the so-called new Congress and the new President. The latter is but a weak tool in the hands of the Dictator, and there is no

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prospect that the beginning of his term of office, September 18, will bring any relief to the unhappy country. This appeal of the Congressional party to the American love of liberty and legality ought to meet with a hearty response in private and in the press, even if it cannot do so, for the present, officially.

The speech of Sir William Harcourt at the dinner given by the National Liberal Club to Mr. Brand, the winner of the great victory at the Wisbech election, was naturally of a triumphant character. He was able, however, to demonstrate to his audience that exultation was thoroughly justifiable. He pointed out that since 1886 there had been 88 bye-elections of members of Parliament in Great Britain, exclusive of duplicates, the latest of which only were considered. So large a number is certainly sufficient to give a fair indication of popular feeling; moreover, its fairness could not be complained of by the Government, for they had deliberately made many of the vacancies. In 1886 the Unionists had 63 of these seats and the Liberals 25, a Unionist majority of 38. Of the 88 vacancies, the Liberals have won 20 seats and the Unionists 1, a net loss of 19 for the Unionists. Their majority has thus disappeared, and each party has 44 seats out of the 88. Sir W. Harcourt ironically asks if the Liberals win 19 seats out of 88 vacated, how many they will win out of the 479 which have not been vacated. He makes his calculations even more conclusive by comparing the seats contested in 1886 and at the bye-elections, which number 53. Of these in 1886 the Unionists held 35 and the Liberals 18. Now the Liberals hold 35 and the Unionists 18. In 1886 the Unionist votes numbered 167,000 and the Liberal 158,000 At the bye-elections the Unionists polled 179,000 votes and the Liberals polled 196,000—a change from a Unionist majority of 9,000 to a Liberal majority of 15,000. The conclusion is unavoidable that at the next general election the Liberal party will probably win a majority of the seats in Parliament.

Although there is some controversy as to the real amount of the French budget, it is admitted that it shows an improvement over previous years. The chief source of confusion is the "extra-budgetary" expenditure for various public works, which amounted in 1883 to the frightful sum of 834,000,000 francs. Some of the debt incurred in this way has been paid off, and the charges for the remainder have been to a great extent merged in the estimates for ordinary expenditure. The policy of large expenditure for public works has been perforce abandoned during the last two or three years, and the official reporter of the budget admits that a policy which, during profound peace, resulted in an increase of debt of nearly 650,000,000 francs in a single year, was manifestly dangerous. It is calculated that the debt will increase during 1892 by 180,000,000 francs, but it will at the same time be reduced through redemption by 68,000,000, leaving a net increase of only 112,000,000. This is a great gain, but it is to be remembered that it has been attained in part by increased taxation. The statement does not include the debts of the departments and communes, but, without computing them, the public debt amounts to 31½ milliards of francs. Within a few years some of this can be refunded at a lower rate of interest, which will diminish the burden, but, on the other hand, new expenses are continually arising. Thus, the law providing pensions for members of the civil service contemplated that the sums withheld from their salaries for this purpose should be accumulated as a reserve. But this has not been done, and, these officers now attaining in increased numbers the age when they can claim pensions, the charge upon the revenue is becoming serious. In 1868 this charge was only 14,000,000 francs more than what was retained from salaries, but in 1878 it was 23,000,000, in 1888 it was 30,000,000; and when the maximum is reached it will probably be 86,000,000. The insurance of workmen, if carried out, would be a terrible additional burden. With such a financial record, after twenty years of peace, it would seem impossible for France to go to war and remain solvent.

A St. Petersburg correspondent of the Berlin *Nation* calls attention to a new phase of Russian policy in respect to the building of railroads. The first railroad built in the empire—the Moscow and St. Petersburg Line—was constructed on the strictest principles of State ownership and control, as was also, in the beginning, the line to Warsaw and the Austrian frontier. But the enormous cost and unscientific nature of the railroad-building of the State led, in 1857, to the creation of a private corporation—the "Great Russian Railroad Company"—to which the State lines were leased, the Moscow road not until 1867, however. But this new system was not prosperous, for one reason and another, and the company's arrears of indebtedness to the Government swelled year by year. This state of things brought about a fresh attempt to solve the problem—namely, a sort of combination of the principles of State and private ownership. The returns to the Imperial Treasury from leased roads were set aside as a special fund for railroad purposes, and out of it the Government bought a certain amount of the stock of all new roads authorized to be built. This stock was retained by the Government, but upon the basis of it a special issue of "consolidated railroad bonds" was made, thus allying the financial interests of the Treasury with those of the companies. This plan was followed until about 1884, and under it a rapid expansion of the Russian railroad system was attained. Still, the credit of the Government was all the while being more and more involved, without a proportionate direction of the affairs of the roads being accorded it, and this fact, together with the general and increasing influence of State socialism in Europe, brought about a return to the old method of State control. The special fund for the purchase of railroad stock was abolished, the policy of granting charters to private corporations was abruptly checked, and the building of new lines strictly reserved to the Government. Thus the circle had been rounded to the starting-point. But things have not moved as expected during the last half-a-dozen years; more effort has been expended upon the "nationalization" of the existing private lines than upon the opening of new roads. Meanwhile, the great project of a Siberian line to the Pacific has been pressing upon the Government as a commercial and military necessity; the question was how to get the funds to build it. Rumors began to circulate that private capital would be called in; but it turns out, according to the correspondent mentioned, that the principle of State ownership is to be dropped in quite another way. The Government has decided to build the Siberian line, putting into it all available railroad funds in sight for ten years ahead; but, in order not to block entirely the building of other contemplated and needed roads, it has determined to turn them over to private corporations, to many of which charters have already been granted.

Germany is experiencing the depopulation of country districts for the building up of cities that is now so common a phenomenon in civilized nations. In her case, the process was longer delayed, but has made up for that by an accelerated speed. The returns of the census taken on the first of December, 1890, show that the great cities have gone on drawing into their maw the increase of the rural population. The cities above 100,000 inhabitants now number 27 in the whole empire—a greater number than that of any other country in Europe; and the entire gain in population during the past five years, 2,500,000, is accounted for in the growth of the cities, the country population having remained stationary or retrograded. According to the census of 1885, agricultural laborers formed 48 per cent. of the total population; in five years they fell to 42 per cent. This is not because of lack of work; German farmers, like American, are short-handed and eager to give employment—they are, in fact, importing laborers from Russia and Sweden, and a project for introducing Chinese labor has been seriously entertained by the landed proprietors of Mecklenburg. The attractive power of the city in Germany is due to about the same causes as those operative everywhere else; the unusually rapid industrial expansion of the empire has helped to make the movement to the cities unusually rapid. Something is undoubtedly to be attributed, also, to a cause not mentioned by German authorities—the influence of State Socialism. Of this the workingmen in the cities have reaped the greatest benefits, at the same time that they have escaped a good part of the weight of taxation resting upon agriculturists; naturally, therefore, the country laborer hastens to put himself in the way of enjoying city advantages.

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PUBLICITY AND THE LOBBY.

THE first year's trial of the new anti-lobby law in Massachusetts has resulted in a larger measure of success than many of its well-wishers believed to be possible. It has demonstrated the value of publicity as a restraining and regulating force upon lobby evils, and this was the main purpose which its designers had in view. The law was the outcome of the scandals which were revealed in 1890, when the lobby's services in securing the passage of the West End Railway franchise were investigated. As it is the first effort made in this country to restrict lobby evils on lines somewhat similar to those which have been followed with such success in the British Parliament, the provisions of the law are worth recalling at this time.

The Sergeant-at-Arms of the Legislature is required to keep two legislative docket-books, one for the names of all persons employed as counsel before committees, and the other for the names of all agents employed in connection with any legislation affecting the pecuniary interests of any individual, association, or private or public corporation. Upon these books the names of each counsel or agent must be registered within one week of the date of his employment, together with his residence and occupation, the date of his employment and the length of time it is to continue, the special subject or subjects of legislation to which his employment relates, and the name and business address of his employer. Whenever additional subjects of legislation are assigned to an agent or counsel, they must be entered on the books in such manner that the entries opposite the name of each employer will show all the subjects of legislation in relation to which any counsel or agent is employed by him, and that entries opposite the names of each agent or counsel will show all the subjects of legislation with reference to which he is employed.

No person whose name is not registered is allowed to appear as counsel before any committee, or to act in any manner as agent in respect to any legislation, and no person, private or public corporation or association is permitted to employ any person as counsel or agent who is not so registered. Each register is closed at the end of the session, and new ones must be opened at the ensuing session. Within thirty days after adjournment, every person, private or public corporation or association, whose name appears on the register as having employed any counsel or agent, must render to the Secretary of the Commonwealth a "full, complete, and detailed statement, sworn to before a justice of the peace, . . . of all expenses paid or incurred . . . in connection with promoting or opposing in any manner, directly or indirectly," the passage of legislation defined in the act. Violation of any provision of the act is punishable by a fine of not less than $100 nor more than $1,000 for each offence, and any person seeking to act as counsel or agent contrary to its provisions is liable to the same penalties, and in addition will be disbarred from acting in such capacity for a period of three years from the date of conviction.

When the law was first put in operation, at the opening of the late session of the Legislature, the first effect noted was an unwillingness on the part of many professional lobbyists to have their names registered. The regular counsel of the railway companies and other corporations appeared as usual, but many of the agents of long standing, who represented nobody in particular, but were always ready to take a hand in any good job that offered, kept away from the State-house. This was an obvious reform, of no slight importance. Undoubtedly many of the agents thus driven from the State-house plied their trade in other localities, and invented new methods of corrupting legislation; nevertheless, they were put under great disadvantages, and were consequently less potent for evil than they were before.

The effect of enforced publicity upon the regularly employed and registered counsel was, as might have been anticipated, greatly to restrict expenditure and to moderate perceptibly the size of the fees paid. When the West End scandal was investigated, it was shown that something like $113,000 was spent in getting the franchise to the point at which a vote upon it was to be taken, and that by far the larger part of this sum was paid as counsel fees to eminent lawyers, some of which ran as high as $10,000 each. No fees of this size appear in the returns thus far filed. The lawyers receive the highest fees. These range from $1,000 to $3,500 for the best legal talent of Boston, and show that the legislative business is a very profitable one for many members of the Massachusetts bar. The regular agents, or professional lobbyists, do not appear by the returns to have had a very profitable session, the highest sum earned by any one of them being $2,050. Undoubtedly many of them evaded the law in one way or another, but the natural effect of the fear of publicity would be to restrict expenditures all along the line, employers no less than agents being afraid of compulsory exposure of all their operations.

Now that the first step has been taken successfully, it is not unlikely that the law may be amended in such a way as to make it more effective. The objective point should be the secret work of the lobbyists outside the precincts of the State-house. Everybody at all familiar with legislative methods knows that the most corrupting work of the lobby agents is in the hotels and other places over which the present law has no jurisdiction. There can be no radical reform till these now secret operations are made liable to publicity. Gov. Russell made a valuable suggestion on this point in his message to the Legislature in January last, when, in speaking of the law, he said:

> "Prevention by publicity is possible, and I would suggest for your consideration whether a remedy may not be found in this direction, by making it easier than it now is publicly to investigate the methods used and money spent on pending legislation, and also by giving power to some proper officer, before a measure finally becomes law, to demand under oath a full and detailed statement as to these matters. The fear of publicity, and through it of defeat, may stop improper practices by making them worse than useless."

The present law, by requiring publication after the adjournment of the Legislature, postpones the publicity till after the legislation has either been secured or defeated. Gov. Russell's proposal is, that it should be made possible to compel this publicity while legislation is pending, and thus have the wholesome fear of exposure hanging over every employer, agent, and legislator at every stage of a bill's progress. There can be no doubt that if it were known that, at any time during the consideration of a measure, every person interested in its success or defeat—counsel, agent, employer, or legislator—could be compelled to state under oath everything that he knew concerning efforts which had been made for or against it, this knowledge would have a most beneficial effect in checking corruption.

LOWELL THE PATRIOT.

To many of our readers the news of the death of James Russell Lowell has come like a physical blow. There was in his social speech and writing such an exuberance of personality, such a suggestion of treasures of wit and humor undrawn upon, as those who knew the man find it hard to connect with the thought of annihilation. But for the public his works remain. Had he lived, they might have been added to, but we are not deprived of them by his death. They have taken their place, perhaps among the classics of our race, certainly among the classics of our nation. They were among the first to answer the question, Who reads an American book? and their author's name will be among those repeated by posterity in answer to the question, What has America given to the world?

The present is not the time, nor is this the place, for a discriminating estimate of Mr. Lowell as a poet or as a man of letters. As we have said, his works in those capacities will be as much the possession of future generations as of our own. But we cannot forbear dwelling upon an aspect of his character that was to a certain extent independent of his literary gifts, and which was, therefore, peculiarly impressive to the men of his own day. He was in the loftiest sense of the word a patriot. The expression "the Father of his Country" is perhaps commonly used without any very clear apprehension of its meaning, but it is evident that the emotions of a Washington in looking upon the future of the nation whose leader he has been, are not unlike those felt by a father in contemplating the future of his son. Mr. Lowell's patriotism was imbued with a similar feeling. He loved his country; he rejoiced in her strength, in her greatness, in her progress, and in her promise. But it was in her strength when rightly used, in her greatness and progress in spiritual as well as in material things, in her promise of noble and honorable attainment, that he rejoiced. The maxim, "My country, right or wrong," was not to him a patriotic maxim, but the appeal of the dema-

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gogue to that contemptible travesty of patriotism, the chauvinism of the mob.

Hence we find him at the time of the Mexican war—the time of that other maxim, "My country, however bounded"—putting forth all his wonderful powers in opposition to the policy of our Government. We were playing the part of a bully towards Mexico, and that, too, not for the aggrandizement of the nation, but for that of the slave power. That it was the duty of a patriot to support his country in such enterprises was not a part of Mr. Lowell's creed, and the "Biglow Papers," with their unrivalled wealth of sarcasm and common sense, of caustic contempt and playful humor, of appeals to reason and to conscience, were produced. It is a beautiful and honorable thing to die for one's country in a good cause; but it is not less noble to withstand her if the cause is bad. To do this is the part of the highest courage and of the purest patriotism.

The civil war showed that Mr. Lowell could guide and stimulate true patriotism with words as lofty and strong and wise as those with which he had repressed the false. Had the secession of the Southern States been peaceable, it might not have been easy to determine the duty of a patriot. But the wanton attack upon the flag of the Union left no room for doubt, and the righteousness of the cause stirred the profoundest depths of Mr. Lowell's heart and called forth the noblest efforts of his genius. There was no falseness or impurity in the notes of his song; it was always the spiritual, the ideal, that he exalted in patriotism. He cried "with clenched hands and passionate pain," but it was Truth that he exalted, in strife and bloodshed and death, Truth that our brothers found

> Where all may hope to find,
> Not in the ashes of the burnt-out mind,
> But beautiful, with danger's sweetness round her.
> Where faith made whole with deed
> Breathes its awakening breath
> Into the lifeless creed,
> They saw her, plumed and mailed,
> With sweet, stern face unveiled,
> And all-repaying eyes, look proud on them in death.

Thus he taught

> That death within the sulphurous hostile lines,
> In the mere wreck of nobly pitched designs,
> Plucks heart's-ease, and not rue.

Thus he sang, in words addressed to a brother poet,

> of faith to things unseen,
> Of freedom's birthright given to us in trust;
> And words of doughty cheer he spoke between,
> That made all earthly fortune seem as dust,
> Matched with that duty, old as Time and new,
> Of being brave and true.

And when it was all over, and the victory gloriously won, he expressed the mingled joy and sorrow of his countrymen, their chastened grief and grave exultation, in a triumphal hymn that was a very concentration of patriotism:

> Bow down, dear Land, for thou hast found release!
> Thy God, in these distempered days,
> Hath taught thee the sure wisdom of His ways,
> And through thine enemies hath wrought thy peace!
> Bow down in prayer and praise!
> No poorest in thy borders but may now
> Lift to the juster skies a man's enfranchised brow.
> O Beautiful! my Country! ours once more!
> Smoothing thy gold of war-dishevelled hair
> O'er such sweet brows as never other wore,
> And letting thy set lips,
> Freed from wrath's pale eclipse,
> The rosy edges of their smile lay bare,
> What words divine of lover or of poet
> Could tell our love and make thee know it,
> Among the Nations bright beyond compare?
> What were our lives without thee?
> What all our lives to save thee?
> We reck not what we gave thee;
> We will not dare to doubt thee,
> But ask whatever else, and we will dare!

It would be but a half-recognition of Mr. Lowell's patriotism did we connect it only with our wars. There came a time when the leaders of the nation that had poured forth its blood so generously for an idea fell to doubting if it would keep its promises to pay money, and when they were ready to drag the honor that had been so nobly exalted, through the mire of repudiation. Then again Mr. Lowell's voice rang out in scornful rebuke of this ignoble weakness:

> Poured our young martyrs their high-hearted blood
> That we might trample to congenial mud
> The soil with such a legacy sublimed?

And when his country once more turned from the path of dishonor, none of her children rejoiced more in her virtue. It was not from any love for controversy or captious criticism that his heart was fed with wrath, and that he felt that he must twist his

> little gift of words
> Into a scourge of rough and knotted cords
> Unmusical, that whistle as they swing
> To leave on shameless backs their purple sting.

He loved the pleasures of retreat, to dream "in happy commune with the untainted brooks," or by the fire that "whispered its domestic joy," where, "walled with books," he heard not "the world's unmeaning noise." Nor must it be denied that he loved "to sit, well-dined," with those in other lands as well as this that were congenial. But the "Puritan drop" would not be quiet in his veins when his country was threatened with disgrace, and he turned from no duty towards her because it was distasteful to himself. He could not love his country did he not loathe her shame;

> For never land long lease of empire won
> Whose sons sate silent when base deeds were done.

Once more Mr. Lowell was called upon to give proof of his patriotism, when the corrupt leaders of a degenerate party made the insolent claim that those who had acted with them for noble ends must follow them in their dirty struggle for the gains of office. To break with associations that had a sacredness far above that of ordinary party ties was a cruel requirement of duty; but the course of a patriot was clear, and Mr. Lowell did not falter. And as he had honored his country at home, so he brought honor to her abroad, for he could go nowhere that men did not think better of a country that could produce such men. It seems now as if our loss were irreparable. As we listen to the tawdry rant of pension-seeking mercenaries, and as the shadow of financial dishonor once more darkens our future, a feeling of despair comes over us at the dearth of counsels that are at once good and strong, at the loss of that "wider and wiser humanity" that was so finely compounded with enthusiasm into patriotism. But such patriotism is not sterile, and he himself would have told us that in the time of our need the providence of God would raise us up leaders. In his own uplifting words—

> Why make we moan
> For loss that doth enrich us yet
> With upward yearnings of regret?
> Bleaker than unmossed stone
> Our lives were but for this immortal gain
> Of unstilled longing and inspiring pain!
> As thrills of long-hushed tone
> Live in the viol, so our souls grow fine
> With keen vibrations from the touch divine
> Of noble natures gone.

THE PRECAUTIONS AGAINST FAMINE IN RUSSIA AND INDIA.

THE two great countries of Asia that are governed to some extent in accordance with European principles have both accepted a certain responsibility for the lives of their subjects. The native dynasties of India never undertook to provide for their people during times of famine. Such visitations were accepted as the act of God and as beyond human control. Nor was any different view of their duty at first accepted by their English successors. It was not until 1838 that the East India Company made the attempt to deal with famine on a great scale, and this attempt was not very successful. Another failure took place on the occasion of the famine in Orissa in 1866. It was in consequence of this failure that Lord Lawrence took the position that provision against such catastrophes should be thenceforth a part of the regular duties of the Government of India, and in 1877-78 the suffering from famine was at least mitigated by Government aid, although in Madras and Bombay this assistance was inadequate. Since then the problem has been more carefully studied, and it seems to be generally agreed that the regular cause of famine, the failure of the monsoon, may be foretold six months before it occurs, by ascertaining the amount of the snowfall in the Himalayas and Central Asia. With this the Government need no longer be taken by surprise, and can take its measures with such deliberation as to render them effective.

As to another difficulty in dealing with famine, the isolation of the affected districts, progress has also been made. In the famine of 1866, Orissa was, it was said, in the position of a ship at sea without provisions. It was reached by no railway, its rivers were unbridged, and its seaboard was almost unapproachable during the monsoon. The supplies of rice that the Government had bought for the suffering inhabitants could not be conveyed to them in time, and half a million of them are supposed to have perished from starvation. Since that time the necessity of constructing lines of railway as a safeguard against famine has been insisted upon as firmly as the necessity of protective lines for the military frontier. Much has been done in this direction, and much, too, in the construction of irrigation-works, with the result of bringing the problem into more manageable shape, although it is by no means yet solved. A famine fund has been gradually accumulated, and a famine code adopted, by which every officer knows what duties

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he is expected to discharge in these emergencies. This year the Government, by prompt action in establishing relief works and distributing food, has prevented the outbreak of panic that in former years has been so disastrous by causing the drifting of population into congested masses, among which cholera and other epidemic diseases were sure to prevail.

But in no way has the Government of India done more to justify its control than in resisting the demand of the native papers that the exportation of grain should be stopped. As the correspondent of the *Times* says:

> "In Oriental countries the first demand of the people on the outbreak of a famine is to put a stop to the exportation of grain. Each native State struggles to keep its store of food for itself. Each district, each town and village down to the pettiest hamlet, tries to retain its own hoard within its own boundary. An immediate dislocation of trade takes place, the natural distribution of the whole available food supply of the country is stopped, and when the distress waxes sore the granaries of the grain-merchants are broken open and plundered, or even burnt by the populace. The total food supply which, if equally distributed under the impulses of unrestricted trade, might have sufficed to keep the scarcity below the starvation point, ceases to be available for this purpose. Traffic in grain becomes dangerous, sometimes illicit; and while parts of the country go on consuming almost at their ordinary scale, in others prices leap at once to *starvation rates, or food absolutely ceases to* be procurable at any price whatsoever."

The outcry against exportation has this year been intensified by the high price attained by wheat in the European markets, which led to the shipping of an increased quantity from India. With a view to allaying the alarm that these exports had created, the Government published a statement showing that they amounted probably to not more than one-half of one per cent. of the food-grain produced in British India, including Burmah. This statement further shows that wheat is not an article that enters into the diet of the poor in India, and that by exporting it other articles of greater importance to their sustenance may be obtained in increased amounts. It is to be added that, secure from interference by Government, merchants may now make their arrangements to supply food in the places where they consider it will be most in demand, which they would not venture to do if they had to anticipate decrees that might result in their ruin.

If we turn to Russia, the contrast is not a favorable one. The prohibition of the export of rye can scarcely fail to do more harm indirectly than any enforced cheapness of that grain can do good. There are other measures, however, taken by the Government, for an account of which we are indebted to the *Économiste Français*, that are more beneficent. Legislation has long since been in effect looking towards the supply of grain during a famine, both for the support of the population and for seed. This legislation contemplates the establishment of magazines of grain, as well as the accumulation of money to be devoted to the purchase of grain. The former policy is preferred by the Government, and is exclusively adopted in certain regions. In villages, it is required to accumulate in a special repository for every male inhabitant one chetvert (about six bushels) of rye or wheat, and one-half a chetvert of oats or barley. Several villages are allowed to unite in providing a common granary on these terms. When the accumulation is allowed to be in money, it must be sufficient to purchase the prescribed amount of grain. In this way every village becomes a mutual-assurance society against famine.

Provision is also made for special taxation by provinces, to the extent of 0.48 kopecks for every male peasant, but this provision is not of an obligatory character. In addition there is a special fund at the disposal of the Minister of the Interior for the purchase of grain when the resources of the villages and provinces have been exhausted. Advances made from this fund bear interest at 3 per cent. only after three years. In some regions, as Siberia and Archangel, the Imperial Government itself establishes granaries. With a view to meeting the present emergency, the rates charged by the railways upon grain have been reduced by the Government, and the use of Government buildings for storage purposes has been permitted. It must be said that the reports from the governors of the provinces and the zemstvos do not indicate a very alarming dearth. Deficient harvests are anticipated in the provinces of the basin of the Volga, of the centre, of the East, and of Little Russia; but of the seventeen provinces affected the deficiency is serious in only seven, and these are surrounded by more fortunate regions. Still, these reports were rendered some time since, and the situation may have become more grave.

THE GERMAN GRAIN DUTIES.

Secretary Rusk is by no means the only statesman who appreciates the benefits of protection to the farmer. His predecessor is none other than Bismarck. From 1865 to 1879 Germany levied no duties on imported grain. In the latter year, however, the Chancellor, declaring that "a man cannot eat himself more than full," maintained, upon the basis of statistics which he has never consented to publish, that the German farmer, if properly protected, could produce enough grain for home consumption. A duty of one mark on a hundred kilogrammes of wheat or rye, and one-half mark on a hundred kilogrammes of barley, corn, or buckwheat, was settled upon as the proper degree of protection. In spite of the duty, the importation of each of these grains showed, from year to year, a large and steady increase. On February 20, 1885, the existing duties were accordingly multiplied by three. For a short time the imports decreased, but, before the middle of 1889, things settled back into their old way again; men were eating more than their fill, according to the Bismarckian statistics. The German legislators hit upon the same remedy which has since made the name of the Hon. William McKinley, jr., under various orthographic disguises, famous in all civilized languages. The way to prevent Fritz from overeating himself was simple—put the price of food out of his reach. On December 21, 1889, all the grain duties were again raised, and the rates on wheat and rye were screwed up to five marks per hundred kilogrammes, or thirty-three cents per bushel.

About the success of this policy from the point of view of the Imperial Treasury, there can be no doubt. In 1880 the grain duties yielded 14,450,000 marks, or 8.7 per cent. of the customs receipts; in 1889 they yielded 98,740,000 marks, or 27.4 per cent. Nor can there be any doubt as to the burden these taxes laid upon some one. But, of course, the champions of the tariff insist that the duties are paid by the foreigner, who is anxious to get possession of the German market. Are they? The most natural comparison for the wheat prices is between London and Berlin. In the years 1874-79, that is, while Germany had free trade in wheat, the average price in England was 2.6 cents per bushel higher than in Prussia. From 1880 to 1885, the Prussian price was 5.6 cents higher than the English. After the first advance in the duty, the Prussian price was in 1885-87, 15 cents; in 1888, 20.1 cents higher; after the second advance it was, in 1890, 30.2 cents higher. Wheat was, to be sure, cheaper in both countries in 1890 than in 1875–79; but in England the price had fallen 29.8 per cent., in Prussia but 6.9 per cent. For rye, the other chief bread grain, the fairest comparison is offered by the markets of Austria, where, as in Germany, rye is of far greater relative importance than in England. In the years 1880–84 rye was 10.9 cents per bushel higher in Prussia than in Budapest, in 1890 it was 30.6 cents higher. In Budapest the price had fallen 19.9 per cent., in Prussia it had risen 8.2 per cent. Evidently the German pays his own taxes. We are more fortunate—the British pay ours.

One effect of the grain duties has scarcely received the attention it deserves. Before they were imposed, Eastern Prussia exported its surplus grain by sea from Danzig and Stettin to Scandinavia and England, while the industrial districts of Westphalia and South Germany supplied their needs from Russia and Austria. But the relatively high domestic prices caused by the German tariff prevented London from buying in Stettin, just as effectually as the tariff itself prevented Munich from buying in Budapest, and the East Prussian producers were forced to send their surplus by rail to the West and South. One result was that while the railway tonnage in foreign trade rose between 1884 and 1889 but 7 per cent. (from 1,151,000 to 1,232,000 tons), the tonnage in inland trade rose nearly 22 per cent. (from 4,312,000 to 5,420,000 tons)—a fact which at once both accounts for the recent financial surplus of the Prussian State railways, and shows that the finance minister cannot reckon on the permanency of that income. A second result was, that while the price of wheat in Stettin has sunk, since 1874–79, some 2.5 per cent., the price in Munich has risen more than 8 per cent.—a fact which shows that the railway surplus is due to needless hauling of freight which would naturally have gone elsewhere by water.

But the German protectionist has more than one (short) string to his bow. Granted

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that the German laborer pays more for black bread than the English laborer for white, still the German farmer has the benefit of protection. The complaints from the farms are, to be sure, as loud as ever, but, says the German protectionist, "if it were not for the grain tariff they wou'd be louder still." What would be is difficult to determine. Let us turn our attention to what is. The number of hectares devoted to wheat, rye, oats, and barley in Germany has increased less than 1.2 per cent. under ten years of protection (from 13,508,000 hectares in 1878 to 13,688,000 hectares in 1888). Rent outside the cities has fallen decidedly. When the tariff was imposed, the agricultural classes expected great results, and promptly discounted their rosy future by bidding up the rents. Although they soon discovered their mistake, still they indulged themselves again, when the tariff was first raised (1885), in the same unfounded hopes. The relation of the new rents offered for Prussian public lands in the seven eastern provinces, *i. e.*, in the chief agricultural district, to the expiring rents of the same parcels was, to 100, in the year 1878 as 138, in 1879 as 155.5, in 1882 as 105.9, in 1885 as 122.9, in 1886 as 107.8, in 1887 as 89.6, in 1888 as 82, in 1889 as 78.9. As might have been expected under such circumstances, the indebtedness of farm-owners has increased and foreclosures have become frequent.

Such are the advantages to agriculture which, in Chancellor Caprivi's opinion, warrant the retention of a tax of 30 per cent. on bread. In his speech of June 1 he prophesied that Germany and Austria would have average crops, central and southern Russia a better harvest than had been hitherto expected, India and America a large surplus. He, like his predecessor, had statistics which he did not make public, and these statistics proved that there was no distress, or prospect of distress, in Germany. The Government accordingly declined to move the desired suspension of the grain duties. Suspension, however, is not what is needed, but repeal. Since the adjournment of the Reichstag it has become clear that Chancellor Caprivi's private statistics must have contained some mistakes. The prices of grain and of bread have risen. A bushel of potatoes costs three times as much as it did a year ago. Germany has not an average harvest. Complaints have grown louder. The Socialists and the Freisinnige have always opposed the grain duties, but other classes are being aroused. Especially are manufacturers for the export trade alarmed at the prospect of wages as high, on account of the bread prices, as are paid in England; for the individual superiority of the English workman is undisputed. The comic papers are full of cartoons directed against the grain duties. In the cities, the agitation for their repeal is undoubtedly popular, and has been powerfully reinforced by the imminent distress growing out of Russia's prohibition of the export of rye. Russia is the principal source of German imports, having furnished last year 53 per cent. of the wheat and 81 per cent. of the rye.

OUR FEDERAL JUDICIAL ESTABLISHMENT.—I.

THE Department of Justice has just issued a new Register (the ninth edition), corrected to January 1, 1891. From it may be gathered information about the Federal Judiciary that is generally interesting, and of some especial value at this time, when there is about to be organized a new Court of Appeals in each of the nine judicial circuits into which the forty-four States are grouped. The Circuit is not the unit of organization, as is sometimes erroneously supposed, but the District. These circuits are not groups of States, each making, territorially or otherwise, a jurisdictional unit, but a merely convenient association of States which will, for the first time, when the new act of Congress goes into effect, have a territorial unity of jurisdiction; but this only in respect of appeals from the several districts. As to all original cognizance, the unit of organization and jurisdiction remains, as before, the District, which is, perhaps, indispensable under the Constitution. There is still, and always must be, in each District a court of original cognizance having no wider territorial expansion than the District itself, whether it includes the whole State or only a part of a State. It would, in this relation, be impossible to overleap the State lines in the construction of "districts" or "circuits"—absolutely so as to some branches of the Federal judicial power, and practically so, perhaps, as to all.

Now, quite absurdly, some may think, there are two such courts in each of these "districts"; but it is probable, since the ice has been once broken and the fixity of organization which has so long resisted all efforts for reform has been somewhat disturbed by the new act, that this absurdity will, at no distant date, be corrected by a consolidation of the two unnecessary courts (the Circuit and District courts) into one; this one court of original cognizance to be held by a single judge whose judgment shall be, in all things, reviewable on appeal in the new Court of Appeals, in place of the present two courts, either of which may be held by any one of four judges sitting in one or the other, and one of which, it may happen, by any two of these four judges—all reviewable, according to circumstances, in one or another of two courts of appeal. This duality of courts, with its intermixture of judges of varying rank and sometimes ill-considered and unimportant differences of judicial power, is a strange outgrowth, historically interesting, but too complex for treatment here. Not more than one in a hundred of our lawyers, even, comprehends the exact technical relation of these courts, and the judges who may hold them, to each other; and the new act complicates their relation to the ordinary understanding.

There are sixty-seven of these integral districts in the forty-four States, very unevenly distributed, as can be seen by looking over the new Register. Four States (Alabama, New York, Tennessee, and Texas) have three each; fifteen States (Arkansas, California, Florida, Georgia, Illinois, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin) have two each; all the others have one each, there being twenty-five of these. Taken by population, the distribution of these units of judicial organization would seem to be quite arbitrary and without any system at all, unlike the more evenly distributed representation in Congress; but if we consider the States as necessary units of political territory, the distribution appears more reasonable, though it will still be found that the apportionment of districts is without any system or much symmetry of construction. Massachusetts, with over two and a quarter millions of population, has only one district, while Alabama, with a little more than one and one-half millions, has three. Indiana, with over two millions, and Kentucky, with nearly two millions, have only one district each, while Texas, with over two millions, and Tennessee, with nearly two millions, have three districts each. Kansas, Minnesota, New Jersey, Nebraska, Maryland, and South Carolina all get along with one district for more than a million of population each, but Arkansas, California, Louisiana, Mississippi, North Carolina, Virginia, and Wisconsin, with a substantially equal population, must have two each, and Florida, with less than half a million, must also have two districts; and yet Georgia and Iowa, with about two millions each, Michigan and Missouri, with over two millions each, Illinois and Ohio, with nearly four millions each, and Pennsylvania, with over five millions, have only two districts each. The scantily peopled States, like Colorado, Delaware, Idaho, Montana, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wyoming, could not have less than one each, although each of them is far below the average of population for the districts as now constituted.

This great irregularity of distribution of judicial districts shows how the subject would fare if Congress were left so to distribute our representation in Congress, instead of being bound by the rule of equality prescribed by the Constitution; and it may be worth considering whether a similar Constitutional requirement of equality would not have been as wise in the one case as the other. However, the territorial conformation and size of the States may, in some measure, account for the inequality. Again, although there are sixty-seven districts, there are only sixty-four judges, because in Alabama and Tennessee, each, there are three districts, but only two judges, and in Mississippi there are two districts and only one judge.

There is much incongruity in the times and places of holding the two courts in each District, and more in the matter of distributing the jurisdiction between these places. In some districts the structural entity of the District remains unaffected in fact, as it always is in technical law, and the business is distributed among the places of holding court sometimes by one method and sometimes by another; but in others the District is subdivided territorially into divisions, and the demarcation of the jurisdiction is as rigid as if there were separate districts. Yet there is a want of uniformity here, even in the same State. In Delaware, Idaho, Maryland, Massachusetts, Montana, Nevada, New Jersey, Oregon, and Wyoming both courts are held at only one place for the entire State, but in Texas it takes eleven places to accommodate them. Some of the most insignificant districts—insignificant as to size and business—have the most places for holding the courts. The good nature of Congress, coupled with a mutual exchange of benefits, well understood if not confessed, permits this multiplication of places for holding courts; indeed, to a large extent, it is mainly used as a lever with which to prize out of the Treasury an appropriation for a public building. It is rarely in the interest of the public service, as any one may see who compares the districts in population, importance of trade and commerce, accumulated wealth, and amount of litigation done in each. Localities like New York, Chicago, and proba-

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bly a very few other cities need more judges than they have, but other localities are supplied with far more judges and courts than are needed. The total force is out of all proportion, apparently, to the total needs, but is so unevenly and incongruously distributed as to districts and judges that the service is seemingly inadequate. Take the six newest States, with a population in the aggregate of only 1,038,000, and they have six judges. Such States as Oregon, Colorado, and Nevada might be added here, and if we contrast their population and business importance with that of the central States, the superabundance of their aggregate judicial force becomes apparent; and yet each has two courts, and, altogether, twelve judges, counting the Supreme and Circuit judges. Territorial expanse is an important factor, no doubt, but in the day of railroads and telegraphs it is not the sole nor the most important consideration, by any means, in determining the distribution of the judicial force in a system like ours.

This same unevenness of distribution—the having many judges where few are needed and few judges where more are needed—is just as apparent when we consider such States as Delaware, Florida, Maine, New Hampshire, Rhode Island, Vermont, and perhaps others, and contrast them with the great States of large population, wealth, and law business. Distribution by population is not a perfect test, but it affords a sufficient test to show the waste of force and energy in the judicial department of our system, State and Federal. There can be no doubt that if the actual work done in each district could be readily compared, the disparity in distribution would be just as glaring. The judicial forces of the United States, State and Federal, are so enormous in the aggregation that it is a matter of amazement that the work is so far behind, and the dockets, almost everywhere, delayed. If the productive energy of the force at work could be concentrated, and comparatively idle judges put to work, the assertion might be ventured that one-half or less than the number of judges now employed would suffice. Territorial expansiveness and local requirements cannot excuse all of this waste, and much of it must be credited to the greed of the politicians, who multiply these desirable offices, as they do others, in a civil-service system where office-holding seems to be the chief end of man—so far as he is a public man—and the main reliance of statesmen as appliances of cohesion in party organization and work.

This waste of judicial force is nowhere more profuse than in the Federal establishment, and more particularly appears when it is further considered in connection with the distribution of the jurisdiction over subjects of litigation, as it has been made between the Circuit and District courts, and now also as between the Supreme Court and the Court of Appeals by the recent act of Congress. One has only to observe what meagre jurisdiction has been left exclusively and distinctively to the District courts to see that, as regards that jurisdiction, there is scarcely any need for them or any of their judges, and then to reflect that about four-fifths of all the judges are District judges and that, in most of the districts, cases under this exclusive jurisdiction cannot arise and are almost unknown, to see how this waste has been carried on, almost unconsciously, since but little attention has been given to it.

Whenever Congress shall spare the time for really beneficial and intelligent reforms, and we can have other than those hasty and ill-digested acts of legislation which bear "the fatal date of March 3," as one of the judges, at one time himself a Congressman, has styled it, we may hope for a more suitable organization of the courts, in accordance with the work to be done, even though we be compelled to depart from the antiquated and long since obsolete models of two centuries ago. This dispersion instead of concentration of energy exhibits itself in other respects also, as where the Supreme judges are required to visit the districts and work in the Circuit courts and the new Court of Appeals, which may be called the Jurisdiction of Visitation. Necessarily this visitorial jurisdiction, in its actual exercise, and the similar visits of the Circuit judges, must be confined to the pleasant places, and the outlying and remote districts can have none of the supposed benefits that belong to them. Much might be said of this process of diffusion and scattering of work, as it affects the practice of the courts and demoralizes it injuriously to bench and bar in some very important particulars; but it is enough now barely to mention it as a vice fundamental to all the legislation of Congress in reference to the Federal courts.

The Register of the Department of Justice, unlike the Congressional Directory, does not give biographical information concerning the judges, which is a defect of the publication. They are the only permanent officials known to our system of government, and, while never conspicuous in politics, they are influential actors in the business of government, about whom the public would like to know something more than we have here; and there is no reason why future editions of the Register should not contain a skeleton of useful and convenient biographical facts as to each judge. The place of residence, date of commission, and place of birth are given, however, and from these meagre facts considerable interesting information may be gleaned.

In all there are eighty-three judges exercising the Federal jurisdiction in divers places, and the nine new Circuit judges will make the number ninety-two. Every one of these is competent to sit in the Circuit courts and in the new Courts of Appeal, and any one of them, under certain circumstances, might sit in a District court. Under the powers given the Chief Justice and the Circuit judges to designate judges for outside service, in emergencies, any one of the sixty-four District judges may exercise Circuit and District court jurisdiction anywhere within each Circuit or within the United States, and the Supreme judges may be by that court assigned to circuits at will; but the Circuit judges are not assignable outside of their circuits, which is an incongruity in legislation full of such oddities.

Of the nine Supreme judges, only three exercise their Circuit jurisdiction in circuits including the place of their birth, viz., Gray, Blatchford, and Lamar; but of the ten Circuit judges seven have their native heath within their judicial power, viz., Colt, Wallace, Lacombe, Acheson, Bond, Jackson, and Gresham; and three, Pardee, Caldwell, and Sawyer, do not. Of the District judges, sixty-four in number, only twenty-five were born within their districts. Eleven were born in New York, five in Ohio and Virginia, each; four in Massachusetts, Pennsylvania, and Tennessee, each; two in Maryland, North Carolina, Vermont, New Hampshire, Mississippi, Kentucky, Georgia, Maine, and Delaware, each; one in Connecticut, Illinois, Texas, Rhode Island, South Carolina, Alabama, Missouri, New Jersey, Wisconsin, Iowa, Indiana, and Michigan, each; and one is foreign-born. Louisiana, Arkansas, Florida, California, Minnesota, Oregon, Kansas, West Virginia, Nevada, Nebraska, Colorado, North Dakota, Montana, Washington, Idaho, and Wyoming have none of them any representative by birth upon the Federal bench. Of the States admitted into the Union within the last fifty years, only Texas has a native judge, if that be not a mistake in the record; of all that were admitted within the century since new States were first admitted, only Alabama, Kentucky, Maine, Michigan, Missouri, Ohio, Tennessee, and Texas have a judge born within his jurisdiction. But all this applies to the bare fact of birth, which, in this connection, may be quite in the nature of an accident, as in the case of Mr. Justice Brewer, who is put down as having been born in Asia Minor, and yet is not, in any sense, an Arab or a Turk; or Mr. District Judge Bruce of Alabama, who, born in Scotland, was bred in Iowa.

MARBOT IN PORTUGAL.

PARIS, August 6, 1891.

WE left Marbot starting for Spain. He had a presentiment that the next campaign would be a very hard one. As soon as he had crossed the Bidassoa he felt that all security was gone; he was a bearer of despatches, and was escorted by gendarmes; he found on his way the corpse of an officer who was a bearer of despatches from King Joseph to the Emperor—the famous Mina was in the neighborhood. He arrived safely, however, at Miranda on the Ebro; but in the plains of Old Castile he was attacked by guerrillas, whom he repulsed successfully.

He found Junot at Valladolid, in the old palace built by Charles V. Junot kept a sort of court with his wife, the Duchess of Abrantes. Some difficulties arose from the fact that Junot offered a part of the palace to Masséna, ignoring the fact that Masséna always travelled, even in war times, with a Mme. X. Marbot does not give her name. "Masséna," he says, "of a sombre and misanthropic character, living alone by preference in his own room, away from his staff, needed for distraction from his gloomy thoughts the conversation of a lively and clever person. Mme. X. suited him perfectly, as she was a talented woman, good and amiable." But it was impossible that the Duchess of Abrantes, issued from the Comnenus family, a very proud person, should live under the same roof with this Mme. X. Marbot had hardly had time to explain the situation to Junot when Masséna arrived. He entered the palace hand in hand with Mme. X. Junot arrived with the Duchess, kissed Mme. X.'s hand, and presented her to his wife. These little incidents seem trifling; they had great consequences. The Marshal never forgave Junot for not having given him the whole of the palace. Junot took sides with Marshal Ney and Gen. Reynier, who commanded two other corps in Portugal. These dissensions contributed much to the bad result of the campaigns of 1810 and 1811, which had an immense influence on the destinies of the French Empire.

The English had undertaken to defend Portugal, and this gave much importance to the fortress on the frontier, Ciudad Rodrigo. Masséna besieged it, and it was taken by storm. Marbot fell ill during this siege; a high fever had seized him; he became delirious and was very near dying. The fortress of Almeida was blown up by the explosion of a powder magazine; Marbot became convalescent, and his strength was re-established at the fort of Concepcion. While Marshal Ney kept down the Asturias and Leon, Marshal Soult was preparing to invade Portugal. He occu-

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pied Chaves and Braga, and laid siege to Oporto. Marbot thinks that 10,000 Portuguese were killed at the storming of Oporto. Soult had now a good base of operations. The Portuguese could not forgive their Prince Regent, chief of the House of Braganza, for having fled and transported the seat of Government to America. Unwilling that Portugal should become a dependency of Brazil or Spain, some of them proposed to Marshal Soult to place himself at their head and to form an independent government.

"Soult did not discourage their project; he appointed functionaries, he raised a Portuguese legion of 5,000 men, and behaved with so much tact that in less than fifteen days the cities of Oporto and Braga, as well as those of all the provinces conquered by him, sent him addresses signed by more than thirty thousand individuals belonging to the nobility, the clergy, and the third estate, expressing their adhesion to the new order of things. The Duke of Rovigo, in the memoirs which he published during the Restoration, asserts that Soult rejected these proposals; however, a great number of the French officers who were then at Oporto, particularly Gens. Delaborde, Mermet, Thomières, Merle, Loison, and Foy, have assured me that at certain receptions the Portuguese gave to Soult the titles of King and Majesty, which he accepted with much dignity."

Napoleon, it seems, was always silent on this subject, even at Saint Helena; he could not much have wondered if Soult had thought of making himself king. But circumstances soon gave another turn to the preoccupations of Soult. The troops of Sir Arthur Wellesley and of Lord Beresford were approaching; they crossed the Douro and took Oporto by surprise. Soult was obliged to effect his retreat by the mountains, and thus ended the second invasion of Portugal by the French. Soult lost 6,000 of the best soldiers of France; he had fifty-eight pieces of artillery, but he could bring only one to the other side of the mountains. He showed much firmness during his retreat, and conducted his troops to Zamora, after having in vain tried to persuade Ney to unite with him and make a new invasion of Portugal.

Towards the end of 1809, all the French corps in Spain, while they were under the nominal command of King Joseph, were actually directed by Marshal Soult, who was Major-General. Marbot was with Masséna when he entered Portugal. "The whole army knew that Masséna had brought Mme. X. with him; but this lady, who had quietly crossed Spain in a carriage and had remained at Salamanca during the sieges of Rodrigo and Almeida, wished to follow Masséna on horseback when he came to a country impracticable for carriages." Masséna forced her company on his lieutenants. One day, "Masséna said loudly to Ney: 'My dear Marshal, pray give your hand to Madame.' Marshal Ney turned pale, and was on the point of bursting out. . . . He contained himself, however, and, with the tips of his fingers, conducted Mme. X. to the table, where, by Masséna's directions, she placed herself on his right. But, during the whole repast, Marshal Ney never spoke to her, and conversed with Montbrun, his neighbor on the left. Mme. X., who understood how false her situation was, was seized with a violent nervous attack and fainted away." From that day there was great coldness between Masséna and not only Ney, but Reynier, Montbrun, and Junot, with a most unfortunate effect on the military operations.

A campaign undertaken at such a distance from France, in a country unknown to the French, where all communications were difficult, could not end well. Marbot is very severe on Masséna, blaming his inactivity and his indecision. He describes with many details the battle in the Sierra de Alcoba, one of the greatest disasters which a French army ever had to suffer—the battle of Busaco. Though he much admires Wellington, he criticises him on some points. Masséna, having crossed the Alcoba Mountains, arrived on the plains and marched on Coimbra. The large population of this town, kept in complete security by the assurances of the English, received an order to leave. It was an awful spectacle. The army of Wellington, embarrassed by thousands of runaways—men, women, monks, nuns, soldiers—had to retire in great disorder on Pombal. The occasion was fine for Masséna, but he did not seize it and lost much time, and Wellington entered his famous lines of Torres Vedras, which formed round Lisbon an immense curve, twenty leagues long. Marbot is of opinion that the lines could have been forced directly; fifteen days afterwards they had been made impregnable.

Masséna, unable to force the English lines, retired on the 13th of November from the barren hills where his army could no longer subsist. He fixed his headquarters at Torres Novas. The English pursued him with some hesitation, and Wellington established his headquarters at Cartaxo, near Santarem; the two armies, separated by the Rio Maior, remained facing each other from November, 1810, till March, 1811. During all this time the English received provisions by the Tagus; as for the French Army, it is almost incomprehensible how it lived. Each regiment had to organize the *maraude* on a large scale, and our soldiers were soon reduced to leading the life of the *routiers* and *malandrins* of the Middle Ages. A sergeant, in desperation, took a hundred soldiers and established himself in a convent, where he lived by plunder. He had himself called Marshal Chaudron; Masséna ordered him to be shot, with the few deserters who were with him. The retreat of the French Army began on the 6th of March; the movements had been kept so secret and were executed with so much order that the English were only aware the day after that the French were retreating. Wellington followed them with caution. Ney was with the rear guard, and fought valiantly, as usual. Masséna conducted his retreat with much ability, and such a retreat is one of the most difficult operations of war. He never lost sight, however, of Mme. X., and she was exposed to real dangers. She was finally carried in the arms of some grenadiers. Masséna himself said: "What a mistake I made in taking a woman with me to war."

Marbot was wounded, on the retreat, in a single combat which he had with a young Englishman. "Attendez, Monsieur le Français, je veux faire un peu bataille avec vous." Marbot, who was carrying an order, did not stop at first, but the young Englishman told him that he saw by his uniform that he was attached to a Marshal of France, and that he would have it published in the London papers that his mere presence had put to flight a cowardly aide-de-camp of Masséna or of Ney. Marbot, becoming angry, drew his sword, when two English hussars came to cut off his retreat. He flew at the Englishman and forced his sword through his neck. The two hussars fell on him; he killed one, the other fled; he himself had been wounded in the side, and had lost much blood by the time he rejoined Masséna and told his tale. Marbot always preserved his shako and his cartridge-box, which the two hussars had covered with sabre-cuts.

It would be difficult to give an account of the complicated movements of Masséna's army when it had to leave Portugal definitively. The French had entered the kingdom with 60,000 men; 10,000 were missing when they returned to Spain. The generals were divided, and quarrelled with each other, as is always the case when an army ceases to be victorious. The orders came from Paris, but when they arrived, they were no longer in harmony with the situation. The battle of Fuentes de Onore gave Masséna an opportunity for making a fine military movement, but it was lost by the fault of Bessières, who remained inactive. Masséna could not save Almeida, which was besieged by the English, but he found means of entering into communication with the garrison and of aiding its escape, as well as of destroying the fortifications. Gen. Brénier, who was in the town, made his retreat, and a loud explosion informed Masséna that Almeida had ceased to exist as a fortified post. Masséna retreated on Ciudad Rodrigo; the English did not follow him. Only afterwards did the French know that Wellington, exasperated with Gen. Campbell, whom he accused of not having prevented the escape of the French garrison at Almeida, had ordered him to be court-martialled, and that Campbell had blown out his brains. Masséna, at this very moment, was replaced in command by Marshal Marmont. Napoleon was discontented with Masséna, and recalled him to Paris.

Here ends the second volume of Marbot's memoirs. The close is, perhaps, a little more dry than the rest of the work. Marbot is so anxious to depreciate Masséna that he enters into more minute military details; but these details are very interesting, and give us, better than many other books, the true color and character of the Peninsular war.

Correspondence.

THE LOWELL FAMILY.

To the Editor of The Nation:

Sir: Two statements in the first paragraph of the article in the last number of the *Nation* giving an account of James Russell Lowell's career call for correction. The poet's grandfather, the Hon. John Lowell, is spoken of as having "permanent fame as author of that clause in the Massachusetts Constitution which abolished slavery." The clause referred to occurs in the first article in the Declaration of Rights prefixed to the Constitution of 1780, and the honor of its authorship probably belongs to John Adams. The Rev. Charles Lowell fully believed that his father, Judge Lowell, was the author. He writes in 1856:

"You will find, by referring to the Proceedings of the Convention for framing the Constitution of our State, and to Eliot's New England Biographical Dictionary, that he [Judge Lowell] was a member of the Convention and of the Committee for drafting the plan, etc., and that he suggested and urged on the Committee the introduction of the clause, taken from the Declaration of Independence a little varied, which virtually put an end to slavery here."

Unfortunately for Judge Lowell's claims, an examination of the authorities cited by his son fails to sustain his belief that the Judge "suggested and urged on the Committee the introduction of the clause." On the other hand, the evidence in favor of John Adams is positive and is found in his own words. We know that the Convention chose a committee of thirty to frame a Constitution and Declaration of Rights, and that the committee of

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thirty appointed a sub-committee of three to prepare a draft. James Bowdoin, John Adams, and Samuel Adams were the sub-committee. At the request of Bowdoin and Samuel Adams, the draft was prepared in writing by John Adams. In a letter written to Judge W. D. Williamson, dated February 25, 1812, John Adams says: "The Declaration of Rights was drawn by me, who was appointed alone by the Grand Committee to draw it up. The article respecting religion, as I said before, was the only article which I omitted to draw." The late Charles Deane, LL.D., discussed this question of authorship in a paper published in the Proceedings of the Massachusetts Historical Society, vol. xiii., and maintained that the evidence was strongly in favor of Adams. James Russell Lowell's pedigree as given in the *Nation* is incorrect. We read:

"The father of the Rev. John Lowell was Percival Lowell, a merchant, who came from Bristol, England, in 1639, and settled in Newbury, Mass. James Russell Lowell was thus of the fifth generation from one of the founders of New England."

He was of the *eighth* generation, counting Percival Lowell as the first. Three generations are omitted from the line of his ancestors in this country. The Rev. John Lowell was the son, not of Percival, but of Ebenezer Lowell of Boston, shoemaker, and grandson of John Lowell of Boston, a cooper. The last-named John of Boston was the son of John Lowell of Newbury, and grandson of Percival Lowell, above mentioned, who came from Bristol to Newbury in 1639.

Yours very truly, F. L. Gay.

Brookline, Mass., August 14, 1891.

McKINLEY AS A PROPHET.

To the Editor of the Nation:

Sir: In the review in your current number of Mr. McKinley's speech at Lakeside a few days ago, you quote him as follows:

"Mark my words: inside of four years you will get cheaper tin than you ever got before, and it will be American tin, made in American mills, from American raw material, by American workingmen, for the American people."

In a speech delivered in this city but a little less than a year ago, he used the following language:

"While I was speaking [namely, in the House when he reported his bill], Mr. Niedringhaus of Missouri sent a note to me by a page, and said: 'You can put it stronger than that. Last week, in our factory, we made tin plate, having the faith that your bill would become a law.' They have already organized companies in Baltimore, in Toledo, in Chicago, and in Pittsburgh to manufacture tin plate for the people of this country. And they will do it, mark my words. If you don't remember a single other statement that I make here to-night, remember this—that inside of two years tin plate will be cheaper in this country than it is to-day. And it will be American tin plate, made in American mills, out of American iron and American steel, and wrought by the skilled hand of American workmen."

The same Mr. Niedringhaus is now giving out that he intends to import the skilled labor to make his Republican tin-banquet ware. Perhaps that is why Mr. McKinley does not now couple Mr. N.'s name with his statement that "American workingmen" would shortly make tin plate. And it may be that is why his eloquent phrase, "wrought by the skilled hand of American labor," has shrunk to plain "American workingmen" in his latest deliverance.

Did he tell his Ohio audience what had become of the companies referred to in his Michigan speeches last fall? And why does he now postpone the happy time three years longer? Possibly he would deny that he does. He now says "inside of four years," and it is certainly true that one year is "inside" of four years! Doubtless this explanation would be satisfactory to all orthodox Protectionists. Or it may be that he now thinks that inasmuch as he and his friends were "snowed under" when he made the limit two years, if he makes it four the result will be more favorable. H.

Grand Rapids, Mich., August 14, 1891.

THREE NON-USURERS FROM RUSSIA.

To the Editor of The Nation:

Sir: I have lately come across three Jews from Russia who were quite free of the taint of usury or exploitation of the peasants. Mr. B., from the Ukraine, to steer clear of these vices, studied chemistry, and became technical manager of a sugar-refinery. About three years ago it burned down, and was, for some reason, rebuilt in another village. Under a recent "law," forbidding Jews to live in villages of which they were not residents at the time, he had to give up his place. He came to this country, and, finding no immediate employment in his own line, studied law at New York, where he took first honors at the University Law School.

Mr. B., of Kovno, also unwilling to live by usances, resolved to become a physician, and to that end attended the gymnasium of his city for five years. Then he and fifteen other Jewish boys were expelled for not boarding at the hall, under some old forgotten regulation requiring them to do so. He then got a place as clerk in the city post-office, which he kept for a good while, till the Postmaster-General ordered his dismissal simply for being a Jew. He then went to Zürich and to Paris, where he studied medicine for a couple of years, supporting himself meanwhile by journalistic work. Finding, on a trip to his home, that he would probably be forced into the army, though exempt by law as an only son (in Russia laws in favor of the Jews are ignored), he shook the dust from his feet and came to this country, where he now supports himself by teaching.

A plain trader, E., from the "Vistula country," was also so averse to usury that he invested all his earnings in a house and lot. To rid the Holy Empire of his hurtful presence, he came to this country, and, having established a humble business, wrote back to his wife to sell the house and join him, and tried to send her a power of attorney for that purpose. But when he sent it to Washington to have it "legalized" by the Russian Legation, he found that the Russian ministers and consuls were forbidden to legalize any instruments looking to transfers of land in any of the provinces formed out of the old Republic of Poland. If he wants to sell his house, let him go back to the sacred soil, with all the risks which such a visit implies.

Now, all these wrongs on the part of the Czar's Government, unutterably mean as they are in the eye of every just man, may pale into insignificance when we recollect that the same Government allows noble-minded, high-bred women to be flogged to death; but they remain not the less mean and destestable. Queen Victoria has one subject—let us hope only one—who has words of excuse, nay, of justification, for that Government.

Yours again, L. N. D.

Louisville, Ky., August 15, 1891.

ADELBERT COLLEGE VS. CO-EDUCATION.

To the Editor of The Nation:

Sir: Will you permit me to call attention to the conclusion drawn in the *Nation* of August 6 from the last report of the Cleveland College for Women? It is a natural inference that a total enrolment of 132 in three years shows a reaction against the co-educational practice of the West—if it can be assumed that when a young woman chooses a college the only factor involved in the question of choice is that of co-education. But young women select a college for the same reasons as do young men. The large enrolment at the Cleveland College for Women may with equal fairness be assumed to show a decided preference for education in a large city to education in a small town like Oberlin, Ann Arbor, or Ithaca; for a small college rather than a large university; for an endowed institution rather than one maintained at the expense of the State; for a college distinctively Christian but undenominational rather than one sectarian or purely secular; for a college having a dormitory system rather than one without. As a matter of fact, it shows that a large number of young women are enabled, through the existence of this institution, to take a college course who would not otherwise do so. The last catalogue shows an attendance of fifty-eight; fifty-four reside in Cleveland, three in Ohio much nearer Cleveland than Oberlin, Ann Arbor, or Ithaca, and one address is given at Washington, D. C., where the competition of Vassar, Wellesley, and Smith is stronger than that of Oberlin, Michigan, or Cornell. A new college means not necessarily competition with older institutions established on a different basis, but rather enlarged opportunities for those in its immediate vicinity. This has been true of Barnard College, the University of Cincinnati, and other local colleges. The question was recently asked of the women attending a local institution, how many of them would have taken a college course elsewhere, and but five per cent. answered in the affirmative.

It must be shown that the number of women in attendance at Oberlin, Michigan, or Cornell is decreasing either relatively or absolutely before the conclusion can reasonably be drawn that the establishment of a separate college for women means a reaction against co-education. There are many persons who honestly prefer for themselves the system of co-education, while recognizing fully its limitations; is there more involved in the preference than when others prefer a dormitory system, or State education, or colleges in rural districts, or universities in cities, or sectarian institutions? That impression is sometimes conveyed when the friends of separate education for women announce the decline of co-education.—Respectfully, M.

Holland Patent, N. Y., August 15, 1891.

MARTHA WASHINGTON'S FATHER.

To the Editor of The Nation:

Sir: The Rev. W. M. Clark, Rector of St. George's Church, Fredericksburg, Va., has recently undertaken to have the old graveyard repaired, it having been in a sad state of neglect for many years. I am informed by him that a stone has been unearthed bearing the inscription: "Here lies interred the body of Col. John Dandridge of New Kent Co., who died Aug: 3, 1756. Aged 56 years." This is unquestionably the father of George Washing-

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ton's wife. Col. John Dandridge resided at the "White House" in New Kent.

Mr. Clark's laudable purpose is rendered somewhat slow by the scant means at his disposal, but there is fair prospect that other gravestones of historic interest may be discovered. In St. George's Church was buried Col. Fielding Lewis and in the churchyard two of his children. Probably the Paul family, whom John Paul, who afterwards added Jones to his name, visited, were here buried.

MONCURE D. CONWAY.

AUGUST 10, 1891.

NAPOLEON—CÆSAR.

TO THE EDITOR OF THE NATION:

SIR: The anecdote, extracted from Marbot's Life, in the last letter of your Paris correspondent, of Napoleon's interview with the old grenadier who asked for the Legion of Honor because he had offered his General a watermelon in the desert of Jaffa, strikingly resembles a story told of Julius Cæsar and one of his veterans in Seneca's 'De Beneficiis':

"Causam dicebat apud divum Julium ex veteranis quidam paulo violentior adversus vicinos suos, et causa premebatur. 'Meminisli,' inquit, 'Imperator, in Hispania talum extorsisse circa Sucronem?' Cum Cæsar meminisse se dixisset, 'Meminisli, quidem,' inquit, 'sub quâdam arbore minimum umbræ spargente cum velles residere, ferventissimo sole, et esset asperrimus locus in quo ex rupibus acutis unica illa arbor eruperat, quemdam ex commilitonibus penulam suam substravisse?' Cum dixisset Cæsar, 'Quid meminerim? et quidem siti confectus, quia impeditus ire ad fontem proximum non poteram, repere manibus volebam, nisi commilito, homo fortis ac strenuus, aquam mihi in galea sua adtulisset.' 'Potes ergo,' inquit [veteranus], 'Imperator, agnoscere illum hominem aut illam galeam?' Cæsar ait se non posse galeam cognoscere, hominem pulchre posse, et adjecit, puto ab hoc iratus quod se a cognitione media ad veterem fabulam abduceret, 'Tu, utique, ille non es.' 'Merito,' inquit, 'Cæsar, me non agnoscis; nam cum hoc factum est integer eram. Postea ad Mundam in acie oculus mihi effossus est, et in capite lecta ossa. Nec galeam illam, si videris, agnosces; machæra, enim, Hispana divisa est.' Voluit illi exhiberi negotium Cæsar, et agellos in quibus vicinalis via causa rixae ac litium fuerat, militi suo donavit."

Yours truly, CESSATOR.

NORTHEAST HARBOR, August 12, 1891.

Notes.

DR. EWALD FLÜGEL is preparing for early publication at the Clarendon Press, Oxford, the Life and Correspondence of Sir Philip Sidney. He will be greatly obliged if any librarians or private collectors who are in possession of inedited letters of Sidney will communicate with him and, if possible, furnish him with transcripts. His address is Sidonienstrasse 39, Leipzig, Germany.

Prof. R. Lanciani, who has lately brought out a work on the topography of Rome in the eighth and twelfth centuries, is now engaged upon the second volume of his 'Ancient Rome.' Its ten chapters will deal with the Walls, from those of the Palatine to those of Urban VIII., the Temples and Shrines, the Coliseum, the Tombs of the Cæsars, the Tombs of the Popes to the end of the tenth century, Pagan Cemeteries and Christian Catacombs, Summer Resorts, the Transformation of Pagan Rome into a Christian City, Early and Mediæval Churches and Cloisters, and the Way in which Ancient Rome was Buried. The author hopes to go to press in season for a publication at Christmas, 1892.

Prof. H. Graetz, the well-known historian of the Jews, is about to publish in Breslau in four volumes a "textus castigatus et emendatus" of the Old Testament, making use, in conjunction with his own studies and researches for half a century, of all the widely dispersed critical apparatus of that period. His emendations surpass by many hundreds those of his predecessors, and he hopes to furnish a basis for a universally intelligible translation into modern tongues.

The effects of a law are often most unexpected, and one result of the new Copyright Act will be the publication of plays by foreign dramatists hitherto kept in manuscript to preserve the stage-right recognized at common law. Hitherto Mr. W. S. Gilbert has been the only English dramatist who has freely published his works. Now, however, the plays of Mr. Henry Arthur Jones are announced for publication by the Macmillans, and those of Mr. Arthur W. Pinero are shortly to be issued by another English publisher. In the United States, Mr. Bronson Howard has printed only one of his successful plays, "Saratoga." Time was when new pieces were regularly published and were regularly read, much as novels are now. The custom ceased scarcely half a century ago. Certain of the earlier comedies of the late Dion Boucicault are obtainable in seemly pamphlets now, unlike the broad-paged books in which M. Alexandre Dumas *fils* and M. Pailleron first issue their comedies. It will be most interesting to observe what the effect will be upon the literature of the stage of the author's consciousness that his work is to be tried again in the library.

Sir Edwin Arnold's letters from Japan will be published in London and New York by Longmans, Green & Co. under the title of 'Seas and Lands.' They will appear in the fall and will be elaborately illustrated from photographs. The same firm have in press 'Anthropological Religion,' by Prof. Max Müller, the Gifford Lectures delivered before the University of Glasgow early this year; and also a new series of Mr. "F. Anstey" Guthrie's 'Voces Populi,' reprinted from *Punch*.

Lee & Shepard will publish immediately 'The Abbess of Port Royal, and Other French Studies,' by Maria Ellery Mackaye, with an introduction by Mr. T. W. Higginson.

Little, Brown & Co., Boston, have in press a new collection of poems by Nora Perry, and a ninth and final edition of Mr. John Bartlett's 'Familiar Quotations.'

Houghton, Mifflin & Co. have under way several holiday publications, including Howells's 'Venetian Life,' with water-color sketches by various artists; Whittier's 'Snow-Bound,' illustrated by Edmund H. Garrett; and Holmes's 'One Hoss Shay,' illustrated by Howard Pyle. Other works in preparation are Dr. Holmes's Writings in fourteen volumes (an array unsurpassed by Lowell, Emerson, or Whittier, we believe); Carl Schurz's 'Abraham Lincoln'; 'Three Episodes of New England History,' by Charles Francis Adams; 'History of Historical Writing in America,' by J. Franklin Jameson; and biographical sketches of the Georgia members of the Continental Congress, by Charles C. Jones.

Allyn & Bacon promise, for high-school use, 'Select Essays of Macaulay,' viz., on Milton, Bunyan, Johnson, Goldsmith, and Madame D'Arblay, edited by Samuel Thurber.

Ginn & Co. have nearly ready 'Talks with Young People about the Wonders of the Heavens,' by Sir Robert S. Ball, Royal Astronomer of Ireland, with illustrations; and 'Cardinal Newman's Essay on Poetry, with Reference to Aristotle's Poetics,' edited by Prof. Albert S. Cook.

'Two Girls on a Barge,' illustrated by F. H. Townsend, and 'On the Lake of Lucerne, and Other Stories,' by Beatrice Whitby, will form part of the seasonable light reading to be furnished by D. Appleton & Co., who have, by the way, just issued an authorized American edition of Mrs. Annie Martin's 'Home Life on an Ostrich Farm.' The English edition of this entertaining narrative has already received favorable notice in these columns.

D. C. Heath & Co. publish directly 'Folk and Fairy Tales in French for Young or Old Children,' selected and edited, with a vocabulary, by Prof. E. S. Joynes, and an illustrated edition of Andersen's 'Bilderbuch ohne Bilder,' similarly edited by Dr. Wilhelm Bernhardt.

John A. Taylor & Co., New York, announce a "Broadway Series" of novels, in which English and American authors will be represented, *e. g.*, Mr. John Habberton, Mr. Clark Russell, Mr. James Payn, Mr. Julian Hawthorne, etc.

'The Leaf-Collector's Hand-book and Herbarium' is a rather large octavo volume published by G. P. Putnam's Sons, and prepared by Mr. Charles S. Newhall, whose 'Trees of Northeastern America' was noticed by us last year. This volume consists mainly of coarsely executed cuts of the leaves of our native trees. Opposite each cut is a blank page to which the leaf-collector is desired to fasten his pressed leaves by slips of gummed paper, several pages of which are furnished at the end of the volume. When all this has been done, and the industrious collector has read what the author has said of each tree in his former work, we trust he will not be satisfied with his acquirements, but will be tempted to wish for something more.

The second part of Dr. Harold Whiting's 'Short Course of Experiments in Physical Measurement' (Cambridge, Mass.) has already been noticed in these columns, and we have only commendation for the third part, which has lately appeared. This treats of general principles and methods, and contains a large number of useful tables which, rightly used, furnish much material for study independently of their ordinary applications. After a good introduction we have a chapter on general definitions. These are well and clearly stated. Next come chapters on observation and errors, on general methods of measurement, and on reduction of results. The separate branches of physics are then taken up in order, the principles of the method of measurement employed being explained by reference to established physical laws. The work is likely to prove very useful, and we shall look with interest for the concluding volume.

We fail to see the *raison d'être* of Mr. Charles V. Burton's 'Introduction to Dynamics' (Longmans), which only adds one to the large number of treatises upon the subject, and is not particularly original, though certainly a fairly good compilation. The real value of the work —and it is no small merit—consists in the large number of examples. These are found not merely in the text, but also in a long appendix, together with the answers, and will certainly find favor with teachers.

Mr. John Goss's 'Forensic Eloquence' (San Francisco: The S. Carson Co.) is to be commended for its plan, which is to accompany the theoretical exposition with running illustrations in the shape of extracts from historic orations and debates. This subserves the double purpose of giving point to the argument and of throwing light upon the citations. Of the execution, our praise must be qualified: both judgment and taste are often defective.

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The need of a satisfactory text-book on morals for use in the common schools is so crying that any attempt to provide it must be welcomed, especially when it comes in so worthy a form as 'Duty,' by ex-President Seelye (Ginn & Co.). This is written with great directness and force, though cast, it seems to us, in too formal a mould of logical division. We also think the section on "Duties to Government" deserved a less meagre treatment; and, in particular, we should have looked for a word on the dangers of blind partisanship from a man who was once sent to Congress in protest against it.

Dr. R. W. Shufeldt proposes, in the July *American Naturalist*, to employ the growing army of amateur photographers in the service of science. He dwells upon the defects of many of the figures of animals and natural objects still to be found in text-books, attributing them to the faulty material in the hands of the illustrator, and urges the amateur to concentrate his vague enthusiasm upon the definite object of securing good negatives of the furtive inhabitants of the forest, particularly birds.

Prof. Edward S. Holden has a communication in *Nature* of July 9 in confirmation of investigations by Francis Galton. It relates to the remarkable color-associations possessed by a daughter of his, and gives lists of the colors which she has assigned to the days of the week, the letters of the alphabet, and numbers up to ten—the lists being taken down by her father on six different occasions during the past nine years (she is now upwards of sixteen). A high degree of constancy is to be observed in these authentic records of color-association, and Prof. Holden hesitantly suggests that the color seems to be associated with the sound rather than with the form of the letter; but he thinks many more observations must be made before definite conclusions can be drawn. In the same number is given the forecast of Mr. Eliot, the meteorological reporter to the Government of India, which predicts delayed and scanty monsoon rains, principally on the basis of the abnormally heavy snowfall in the Himalaya last winter—a prediction which has, unfortunately, been very closely fulfilled.

A new commentary on the "Divina Commedia" is advertised in a prospectus which we receive from F. W. Christern. Father Joachim Berthier, professor of theology at the University of Fribourg, Switzerland, is the author of it, and his main interest lies in elucidating Dante's "sublime doctrine," his "primordial thought," which involved the production of a work of moral philosophy: in other words, Father Berthier aims to exhibit the poet's "truly marvellous doctrinal edifice." Happily for the common mind, he has joined with this a copious archæological illustration, in portraiture, landscape, plans of ancient towns, monuments, etc., etc. The work will fill three small-folio volumes, with a very large letter for the text and a clear typography for the commentary.

—Two "humorous" publications, somewhat similar in subject-matter, are 'Farming,' by Richard Kendall Munkittrick (Harpers), and 'Adopting an Abandoned Farm,' by Kate Sanborn (Appletons). The humor of the first is of that resolute type common in the funny column of the newspapers. One feels that the author, like the Scotchman of the story, "jocks wi' deefficulty," but that, having once determined to joke, he allows no difficulty to prevent his performing the task. The illustrations, by A. B. Frost, are much better than the text, though his style of pen-drawing is too elaborate in light and shade for real success in caricature. His best work is in the least extravagant drawings. The effect produced by printing the text and drawings in different colors is, to our eye, disagreeable. The cover, with its *semée* of potato-bugs, is, perhaps, the best thing about the book. Miss Sanborn's book is better, and even has a faint but agreeable literary flavor. It is true that this is largely attained by a liberal use of the scissors, chapter iv., for instance, being almost entirely made up of quotations from Ik Marvel, Carlyle, Beecher, Bayard Taylor, Dr. Holland, Miss Mitford, and Southey on dogs and cats; but there is some original matter in the book, and it is pleasant enough fooling. There are no illustrations, but the paper and print are lovely to look upon. Neither book is unexceptionable in its English.

—Mr. and Mrs. Pennell have made a very pleasant summery book out of a summer voyage on the Thames, and called it 'The Stream of Pleasure,' and Macmillan & Co. have given it a pretty dress. Mrs. Pennell's prose flows gracefully and limpidly, like the river it celebrates, but, to most people, the main interest of the book will be found in the drawings. These are in pen and ink or wash, and are reproduced by various processes, and, in a few cases, by wood-engraving. We have before spoken at length of Mr. Pennell's mastery of pen and ink in the rendering of architectural motives. The medium is not quite so well suited to pure landscape subjects, and some of these drawings are hurt by excessive reduction. Water color comes nearer to rendering the effects desired, and, though Mr. Pennell is not so unrivalled in his use of pure wash, he has done well to make the major part of the drawings in that vehicle, and has probably come as near as any one could without color to realizing the charm of river scenery. Many of the pictures are beautiful and all are clever. The book should appeal to a people as fond of summer outings as our own. The identification of the scenes depicted is sometimes difficult, as there are no titles under the drawings, and the book is unprovided with a list of illustrations or even a table of contents.

—The superior person who enlightens the readers of the *Pall Mall Budget* on the subject of philology, if told that he himself has still something to learn, would doubtless feel affronted. *Program*, for *programme*, he has recently denounced as an "ignorant Americanism." The spelling *programme* was taken from the French, and in violation of analogy; seeing that, when it was imported into English, we already had *anagram*, *eryptogram*, *diagram*, *epigram*, etc. Half-way towards *program*, and yet as anomalous as *programme*, is *programm*, by which Liddell and Scott defined πρόγραμμα. Prof. Skeat, in his 'Etymological Dictionary,' gives "programme, program"; thus recognizing the common American spelling as justifiable. Having despatched *program* to his satisfaction, the superior person aforesaid announces that, in the word *gubernatorial*, "a fresh horror has been invented." This "fresh horror" he has discovered in the London *Daily Chronicle*, where, in the phrase "gubernatorial appointments," he supposes that it first saw the light. Let it pass that Americans have been coming across the "horror," every now and then, for at least three-quarters of a century. "Gubernatorial appointments ought to mean," we are told, "appointment of pilots." There may be eccentric mortals to whom *gubernatorial* is not only acceptable, but on a plane with the apocryphal old lady's "blessed word *Mesopotamia*." Though offensive to good taste, it may, however, be vindicated etymologically. Only by virtue of its context, as, for instance, when joined to *rei publicæ*, is *gubernator* good Latin for "governor." Yet, in giving it, taken out of its context, the same sense, no more violence would have been done than is observable in the case of other expressions without number. The uninformed censure of *gubernatorial*, as being made connotative of "governor," applies equally to *gubernance*, *gubernation*, and *gubernative*, legitimate, though unlovely, and, like the rawness shown above touching *program*, suggests that the censurer would be well advised in not airing his rudiments, linguistic and historical, while in their present circumstances of poverty.

—Many are the inquiries made, from time to time, of the Colonial Secretary's Office at Barbados, for records which may throw light upon the ancestry of some family or the other, now settled in the United States, whose forefathers had removed from that old English colony in our own colonial days. Such inquiries sometimes fail of success because of the grossly neglectful manner in which, until of recent years, the old papers of the island were left to take care of themselves. The wonder is, that these valuable documents escaped destruction, for at least one member of the Legislature has expressed the opinion that they ought to be burned. But now comes gladsome news that the local authorities have appointed a committee to inquire into and report upon the condition of the records of the island. The Committee consists of the Colonial Secretary (Mr. Clement Courteney Knollys), the Solicitor-General (Mr. Herbert Greaves), and Mr. C. T. Cottle, a member of Assembly.

—Apropos of these records, a correspondent writes as follows:

"Having got it into my head that 'cosen John Washington' mentioned in Theodore Pargiter's will (1654-1656), as being then apparently in Barbados, might be shown to be one and the same with John Washington, who emigrated from England to Virginia, as Mr. Waters lays down in his 'Ancestry of Washington,' I wrote to Barbados for a copy of the ticket issued in 1655 for 'cosen John Washington' to leave the island. Replying to my application, Mr. E. G. Sinckler, the well-known Chief Clerk of the Record branch of the Colonial Secretary's office, whose help has availed many inquiries on both sides of the Atlantic, has informed me that it is simply impracticable to search for the Ticket in question, in the present disarranged state of the Records. Some years ago, some disorderly person jumbled together old books and papers, without regard even to dates, excepting so far as to label each of the fifty japanned tin boxes into which he put the documents out of the way, 'Deeds and Other Papers, 1600 to 1800.' An enthusiastic American gentleman of the name of Ellery attempted to make a search among these old papers, but had to give it up. As no one could leave Barbados in 1655 without first obtaining a ticket from the Secretary's office, John Washington, assuming that he did visit Barbados, would need to obtain a ticket before quitting. If the record of tickets issued in 1655 could be found, some details might be preserved which would identify the 'cosen John' with the first Emigrant.

"Now let me say why I think that the first Emigrant might have visited Barbados. The reference to 'cosen John' in Theodore Pargiter's will suggests the former's being at Barbados. A reference to page 11 of the 'Ancestry of Washington,' by Mr. Waters, shows that, whereas Mrs. Washington, the mother of the first Emigrant, was buried on the 19th of January, 1654, it was not till the 8th of February, 1655, that letters of administration were issued to her son John. If that son was not

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absent from England, and in foreign parts, why was there so long an interval as did elapse? The Pargiters were connected with Barbados. On the 21st of May, 1653, the Council of State granted a license to Thomas Pargiter to export to Barbados fifty dozen of shoes and twelve nags. (See Calendar of State Papers, Colonial, 1574–1660, p. 402.) In 1666, Thomas Pargiter was a member of the Assembly of Barbados. (See Calendar, Colonial, 1661 to 1668, p. 352.) The fact that Tom Verney was longer in Barbados than in Virginia may be alleged with equal reason for a kinsman's going to Barbados, just as it has been urged as a link drawing the first Emigrant to the Old Dominion, that the ne'er-do-weel Tom had been an early settler in the latter country. Again, in 1655, old style, among the settlers in Barbados was Captain Gerard Hawtayne of Calthorpe, in the County of Oxford, who was a son, or grandson, of Margaret Washington, who is noted in the pedigree attached to the pamphlet of Mr. Waters as having married Gerard Hawtayne of Esington, Oxon. It is clear from Theodore Pargiter's words that John Washington was beyond seas about 1655, and equally clear that he was thought to be in Barbados. Then there were the Pargiter, Verney, and Hawtayne connections with Barbados. And why so long in obtaining letters of administration to his mother's will unless he were far over sea—in fact, as Dryden has it, in

"'Far Barbados on the Western Main'?"

—M. John Grand-Carteret has, in the *Revue Bleue* for August 1, a paper on the portraits of Danton which contains much curious information. It might almost have been as short as the chapter on snakes in Iceland, for there are next to no first-hand portraits from life of the great orator. To two crayon sketches by David and one by Vivant-Denon, and especially to the former, M. Grand-Carteret alone ascribes authenticity, and he reproduces one by each of these artists in facsimile. These effigies of a physiognomy devoid of a single line of beauty, and possessing a contorted mouth almost to be designated a snout (to which add the notorious pock-marks), prove that Danton was for artists what Cruikshank, in his 'Sketch-book,' calls "an ugly customer." This might well explain the failure to portray a popular leader at a time when portraits were all the fashion, as one of the readiest signs of the new reign of equality; but it would not account for the absence of caricatures, which often are among the truest "human documents." M. Grand-Carteret takes account of the artistic difficulty, but also ventures to inquire whether we must infer that Danton was, after all, less popular than has been thought, and enjoyed only a restricted notoriety. For the collector's enlightenment, he reproduces two engravings after Bonneville and one after Boze, which he will not allow to have any value, and one by Jeanron, interesting only as an idealization made in the early part of the reign of Louis Philippe.

PERROT'S ART OF THE MEDITERRANEAN.

History of Art in Sardinia, Judæa, Syria, and Asia Minor. From the French of Georges Perrot and Charles Chipiez. Illustrated with 406 engravings and eight steel and colored plates. 2 vols. Translated and edited by I. Gonino. London: Chapman & Hall; New York: A. C. Armstrong & Son.

We regret that we cannot recommend the English translation of Perrot's latest volume. Those who know French will do well to read the book in the original, as the translation will be found to be very trying to the nerves of the English-speaking world. Still, the intrinsic merit of the important work is so great that those ignorant of French will get much instruction and enjoyment from the pages even of the English translation, provided they can content themselves to wade through villanous or obscure English on almost every page. The very name of the translator arouses our suspicion, and leads us to the inference that he was not born with an English tongue in his head, but has learned English from books, and well, too, but still not well enough to make him equal to the task of translating a great work into idiomatic English.

The translator's spelling of Turkish words is often misleading to us, for symbols that give the correct pronunciation of Turkish words to Frenchmen fail to do so to Englishmen. In the English translation, Turkish words should be disrobed of their French dress and be respelled with English symbols, or else the value of the symbols used should be defined in the preface. For instance, *Tach* does not tell that the word can only be represented in English by *Tash*. The misspelling of the names of prominent men may be due to bad proof-reading, but, at any rate, we find Heumann (ii, 64, note—67, note); Handi Bey (ii, 60). Even Delbet, one of Perrot's coadjutors in a former work, becomes Debet (ii, 101). The proof-reading is bad throughout, and that, too, not only in the English text, but also in the citations in French, Italian, German, and Greek. Now and then the decipherment of Greek quotations requires considerable ingenuity.

But the translator is not the sole sinner; we have grievances against Perrot, the author. We begin with minor defects. In ii, 227, we read: "It is indifferently called the Nimphi or Karabel warrior; the former appellative is due to a village hard by, the Nimphæum of the Byzantines; the latter, to an isolated house which gives the name to the important pass leading to the plains watered by the Hermus and the Cayster." We deny a part of this. Karabel is a compound word made up of *kara* (black) and *bel* (pass). We therefore fail to see how the name "Black Pass" could have its origin in the existence of an isolated house in the neighborhood. We feel that the author is to be censured more than once for an evident but not well-founded assumption of a knowledge of Turkish superior to that of other travellers. To illustrate: Puchstein and Humann, in their 'Reisen in Syrien,' describe the Hittite remains at Saktchegözü, a word of correct formation in every way. Now, Perrot assumed that the Germans had not heard the latter part of the word correctly—such assumption is always easy at home in one's study; then he remembered that he had heard of many "Göksu," streams, and so he made haste to write *Saktchegheuksou* (ii., 47, *sæpe*), a form which will have to be corrected in a new edition. An immense Hittite stele was discovered by Sterrett in 1885 at Fassiler, a name in which each letter is pronounced clearly and distinctly. This name M. Perrot has changed to *Fasiler* (ii., 222, 245). He also mentions the finding of a Hittite intaglio seal at *Chanah* (ii., 245), a name never used by the finder (Sterrett). Again, the words Elflatun Bunar mean "Plato's fountain" or "spring," so that the remark (ii., 214), "the springs of Elflatoun, also called Plato's fountain," is equivalent to saying: "Plato's fountain (spring), also called Plato's fountain" (spring).

The discovery of the Assyrian lions at Arslan Tash in the plain of Serudj (in Mesopotamia, opposite Carchemish) is ascribed wrongly to Haynes (ii., 48). Now, if any one is to be mentioned by name as the discoverer of the important monuments, the honor might justly be claimed by the leader of the expedition, viz., Dr. William Hayes Ward. In fact, there are several serious blunders in note 2 of p. 48, but, as we have not the French edition, we do not know whether to ascribe them to the author or to the translator. We mention here in passing that in Perrot's discussion of the Hamath stones we look in vain for the name of Dr. Ward. And yet, unless we err greatly, Dr. Ward was the first to publish these monuments. Wright also ('Empire') fails to note this fact. We do not like to see our American scholars neglected. The Albistan lions (ii., 43, note) are not mutilated. The stones have been exposed to the inclemency of the weather for several millenniums, and have rotted slowly away, but there has been no mutilation.

But, leaving such minor blemishes as the above out of view, we fear that very many scholars will be astonished to learn that Perrot's "history" of art in Judæa consists mainly of an attempt to construct a temple after Ezekiel's plan; and be it remembered that Ezekiel's temple never existed save in the brain of the prophet. The chapters on sepulchral architecture, on religious architecture (consisting chiefly of an account of dolmens and menhirs), and on domestic architecture among the Jews are interesting. Perrot is probably at his best in the volume devoted to Hittite art. Twenty-five years ago he himself explored many of the Hittite rock-sculptures in Asia Minor, and his treatment not only of Boghaz-Kieni and Enyük, but of the whole Hittite question, is scholarly and accurate, though even here it is not exhaustive. His chapter on the climate of Asia Minor is exceedingly faithful, and his summing up of the general characteristics of the Hittite civilization is worthy of the most careful study. We should, perhaps, call attention to the fact that Perrot throws the Hittite period away back almost to the twentieth century B. C., while Puchstein ('Reisen in Syrien') limits it to the time between the tenth and sixth centuries B. C. When the doctors differ so widely, the conclusion may be drawn with safety that the data are at present not sufficient to settle the question. The moral is, that explorations in the field of Hittite archæology should be pressed with renewed and unwearying vigor.

Perhaps the greatest surprise of this noble work—and it *is* a noble work, whose presentment of facts far outweighs the blemishes of form in the English translation—consists in the revelation the author makes to us with regard to Sardinian art. Most educated men of to-day know more or less, absorb more or less from the periodicals of the day, about Jewish or Hittite art, but few, we feel sure, know much or anything about art in Sardinia. We will therefore give a short abstract of Perrot's account of art in the wild island of the Mediterranean. The sepulchral monuments of the Punic merchants are found only in Sardinia, and there only in the southwestern portion. The island was most probably colonized from Africa; its proximity to the continent would make the transit easily possible, and the similarity of appellatives seems to prove the theory. The buildings called nuraghs belong exclusively to Sardinia. The simplest form of nuragh is round in ground plan, and is built up of large, rough blocks of stone in such fashion that each successive layer has a smaller diameter than the one immediately below it. The building, therefore, assumes the shape of a cone, but is truncated before completion and terminates in a terrace on the top. Ruins of no less than 3,000 nuraghs exist in Sardinia, no two being exactly alike. There are also numerous agglomerations of nuraghs, the

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most elaborate of which have many chambers and courts, while the simpler form has only one tholos-like chamber. The general outline of the nuraghs is the same, but their position varies much, for they are found everywhere, on the mountain-top and in the plain. They are generally found in groups that sometimes number 100.

Several theories in regard to the purpose for which the nuraghs were erected have been advanced: they have been called lighthouses, sepulchres, temples, altars, dwelling-houses. But in all probability they were fortresses intended to serve as places of refuge for family or tribe in time of hostile invasions. They may occasionally have been used as temples and sepulchres, but such use was always secondary. The people had no walled cities, but lived in numerous villages, whose centres were the nuraghs. The nuraghs were often used as workshops for the manufacture of arms, as excavations prove, and in their immediate neighborhood the dead were buried. The length of time during which nuraghs were built is not known, but they were the work of several generations during the Phœnician period, prior to the conquest of Sardinia by the Carthaginians. The idea of the nuragh seems to have been gained by native Sardinian soldiers during their African and Sicilian campaigns. It is not known when the nuraghs ceased to be built in Sardinia, but analogous structures of simple form are built to-day in southern Italy, where they are called *truddhi* (Lat. *trullum*). The truddhi serve a peaceful purpose, being used by the peasantry as places to sleep in during seed-time and harvest. The *specchie* (Lat. *specula*) or watch-towers of the same region take the place of the agglomerated nuraghs of Sardinia.

The sepulchres of the nuragh-builders are always found in the immediate vicinity of the nuraghs, and to this day tradition gives to them the name of giants' tombs. These tombs consist of a hemicycle of stone in the centre of whose arc rises a high oblong stele, behind which lies a grave built of stone and varying in length from five to ten yards and upwards. They are all oriented toward the rising sun. A hole in the stele at the base seems to have been used for thrusting in libations and offerings, a circumstance which points to a worship of the dead such as one should naturally look for among a primitive people. About the giants' tombs are usually found menhirs, *i. e.*, phallic emblems of life, and cromlechs, *i. e.*, circles of menhirs, emblems which still await a satisfactory explanation.

Sardinian art productions are not of a nature to attract and please eyes and tastes accustomed to Hellenic feasts, and Perrot has made a study of the Sardinian fragments of art-history because it serves to call our attention to what the world would have been had Tyre and Carthage remained mistresses of the Mediterranean. Sardinia is astonishingly rich in statuettes of men and animals, as well as in weapons and implements in bronze. The statuettes are archaic in character and strangely dry and rigid in outline, verging on ugliness and deformity. The native collections of these objects are varied and rich, but until a few years ago the very existence of Sardinian statuettes was not known; thanks are therefore due to Perrot because through him the unknown has become public property. The art productions of Cyprus were made in moulds that produced numerous replicas; they are therefore easily classified, but the bronze statuettes of Sardinia cannot well be classified because of their endless variety. The most of these bronzes represent the warriors, hunters, priests, or other characters of every-day life. Statuettes of deities are less common, but are easily recognized by a multiplicity of eyes, limbs, and weapons. Soldiers form the richest and most interesting group; they are all unmounted, nor has anything relating to horses, except two bridle bits, been found. Hunters are also common; figures of females are rare, and it is noteworthy that their dress is almost identical with that worn by the women of the interior of the island to-day. Almost all the statuettes that exhibit ordinary mortals have one hand uplifted in token of adoration, a gesture of prayer common to all ancient peoples. In all, then, the religious character seems pronounced; in fact they are all votive offerings. Very curious are the votive swords and other weapons mounted at the hilt on stone blocks. These swords were the offerings of chieftains after a successful foray, while the ex-voto swords of the common soldiers were first tied up into *fasciæ* and thus offered. Interesting, too, are the votive deer with swords piercing them. The boats that figure so prominently among the finds are also votive offerings by soldiers returned from service abroad. In point of style, Sardinian objects of art are rigid and harsh, sinning against good taste, but still to all intents and purposes they are the same as those of all primitive and barbarous peoples. The clay industry of the potter did not advance in Sardinia beyond the first beginnings: the vases are hand-made; nothing betrays acquaintance with the wheel, though a polisher was used. The vases are wholly without ornamentation.

HARDY'S CALCULUS.—II.

Elements of the Differential and Integral Calculus. Method of Rates. By Arthur Sherburne Hardy, Ph.D., Professor of Mathematics in Dartmouth College. Boston: Ginn & Co. 8vo, pp. xi, 239.

After the foregoing explanations we turn to Professor Hardy's book. He has placed upon his title-page the announcement "Method of Rates." The method is not new. The characteristic feature of his treatise is that, so far as fundamental principles are concerned, he makes use of no other. In his preface he says: "No comparisons have been made between this method and those of limits and infinitesimals"; but he suggests that these latter methods give a "larger view" of the subject, and says he omits them because they "cannot readily be given with good results in the brief time allotted to the subject in the general college course." He then says: "The immediate object of the Differential Calculus is the measurement and comparison of rates of change when the change is not uniform." Assuming the propriety of the employment of the word "rates," we should much prefer to say that the immediate object of the Differential Calculus is the comparison of rates of change which are not uniform with those which are uniform, and the reduction of the measurement of the former (which is impossible of direct accomplishment either in thought or fact) to the measurement of the latter (which is always possible). On page 10 he gives a more condensed yet more comprehensive statement of the object of the Calculus, but it seems to us to miss the main point, which is this: the facts of experience present us with certain quantities, like the distance passed over by the falling bullet, which, while they increase or grow continuously, never for any actual or conceivable portion of time increase at any one measurable rate except an average or mean rate. The object of the Calculus is to teach us how to find out all there is to be known about such quantities by bringing them into definite relations with other quantities which increase or grow in a manner directly measurable.

The inexorable limitations of space compel us to omit all we had intended to say of Prof. Hardy's first chapter. We can only state the general impression which it makes upon our mind. No one knows better than the author that, from the days of Euclid to the present time, the theory of parallel lines has been the "cross of mathematicians." Some mathematicians have endeavored to get over the difficulties of the subject by *defining* parallel lines as "lines which are everywhere equally distant from each other"—a definition which is no definition at all, but only a logical inference or demonstrable proposition following from any and all of the more fundamental definitions about which the mathematicians are in dispute. Such seems to us to be the case with Prof. Hardy's definition of a differential. Could we get a *rate*, that is, a ratio of a definite space to a definite time, out of a state of things in describing which the words "instant" and "point" are used for the express purpose of excluding all space and all time, and could we, independently of this, and as a matter of mere abstract numbers, explain and justify the process which the Differential Calculus employs, we should undoubtedly find that "the velocity at any instant" of our falling bullet, "that is, the rate of change of the distance, is the distance it *would* pass over in a unit of time were the motion to become uniform at that instant" (p. 7).

We pass to § 18 (p. 13), where the real development of the operative part of the Calculus begins. The fundamental theorem is: "The differential of the product of two variables is the sum of the products of each into the differential of the other." The theorem is as old as the Calculus itself, and is given in every treatise. It is, however, generally assigned a subordinate place and given as a deduction from other theorems. We consider it a decided merit of Prof. Hardy's treatise that he has placed it at the beginning, and from it has deduced the most important rules of the science. Before going further, we will make a brief explanation. In the Differential Calculus the letter d is used to represent the words "the differential of" which occur in every formula. Thus dx does not mean, as in algebra, the product of d and x, but "the differential of x"; $dx\,dz$ means "the product of the differential of x and the differential of z"; dx^2 means "the square of the differential of x." "The differential of x^2," which is quite another thing, is written $d\,(x^2)$. In the next place, it will be quite sufficient for the reader to regard "the differential of x" as simply a quantity to be added to or subtracted from x; in the former case it, of course, has the sign +, in the latter the sign —. The theorem quoted above, when expressed in the language of the Calculus, reads: $d\,(xz) = xdz + zdx$.

Whether Prof. Hardy regards what he has subjoined to the theorem as a demonstration or merely as an explanation and illustration, taking it for granted that he has *defined* all the difficulties out of the case, we cannot say. In either case he has certainly been very careless in presenting it. He says: "Let $y=xz$. Then y is the area of a rectangle whose sides are x and z." Of course, y may be that or any other of an infinity of things which we consider as being represented by the product of two variable factors. He then gives a figure of a rectangle the sides of which are intended

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to represent x and z at the instant when they have a certain definite value. Of course, then, the area of the rectangle will represent the value of y at the given instant, the rectangle being supposed to be growing continuously larger and larger. He next supposes that at the given instant the rectangle ceases to grow *as a rectangle*, and begins to grow sidewise and lengthwise in the form of a carpenter's square with very short arms. As he supposes, this form of increase or growth continues until two new rectangles forming the arms of the carpenter's square have been produced, the area of one of which is equal to xdz and of the other to zdx. The first objection to this method of procedure is that it is wholly inapplicable, even as an illustration, to the case of a continuously decreasing rectangle. This case we must accept as an indisputable and at the same time incomprehensible consequence of the logic of the signs *plus* and *minus*. But there is the weightier objection that it ignores all the difficulties with which the greatest intellects of the human race have been struggling for two hundred years, as if they had no existence and all was plain. This may, perhaps, be excused on the ground that Prof. Hardy was writing a college text-book, not attempting to settle the disputes of mathematical philosophers or philosophical mathematicians.

We have said above that Professor Hardy has been very careless in presenting his illustration. That assertion needs justification. After supposing that at a given instant the change in x and z (the sides of the rectangle) becomes uniform, that is, goes on by equal amounts in equal times, he continues: "The change in y [the area] would then also become uniform." We attribute this astonishing assertion to mere carelessness, or, at best, to oversight. It is precisely because in this and the infinity of analogous cases "the change in y would" not "become uniform," that we have any such science as the Differential Calculus. Both sides of the rectangle, from being infinitely small up to their magnitude at the instant under consideration, and from that point on towards the infinitely great, may grow or increase and continue to grow or increase with absolute uniformity, and y, the area, has not increased and does not and will not increase uniformly during any actual or conceivable interval. It is not only the chief, but the sole object of the Differential Calculus, so far as rectangles are concerned, to discover and teach us how to calculate definite relations between the always uniformly varying sides and the never uniformly varying areas. The supposition that the sides and the area should both increase uniformly and the rectangle remain a rectangle, is a mathematical and philosophical impossibility. Stated generally, the calculation of definite relations between always uniformly varying factors and their never uniformly varying products *is* the Differential Calculus. All other cases may be reduced to this one. In his preface Prof. Hardy says: "Whether a quantity is or is not changing uniformly, however, the rate at any instant is determined in essentially the same manner, viz., by ascertaining what its change would have been in a unit of time had its rate continued what it was at the instant in question." This is equivalent to the following: The rate at the given instant, had it continued uniform, would have been, say R, and it would have been R because that was the rate at the given instant.

The theorem $d(xz)=xdz+zdx$ we consider but the algebraical abridgment of a more fundamental theorem upon which the whole fabric of the Calculus depends. We should despair of compressing into our limits the philosophical and mathematical considerations upon which it is founded. We therefore give it in its naked form for mathematicians to consider.

Let $y=xz$, then $dy=d(xz)$.

$$d(xz)=\frac{(x+dx)\ (z+dz)-(x-dx)\ (z-dz)}{2}$$

Performing the operations indicated we get:

$$d(xz)=xdz+zdx.$$

By supposing $z=x$ we can immediately get $d(x^2)$. But we prefer, on account of what follows, to give the form for this case.

Let $y=x^2$, then $dy=d(x^2)$.

$$d(x^2)=\frac{(x+dx)\ (x+dx)-(x-dx)\ (x-dx)}{2}$$

Performing the operations indicated, we get: $d(x^2)=2xdx$; substituting in the equation $dy=d(x^2)$ we have $dy=2xdx$; dividing by dx we get: $\frac{dy}{dx}=2x$. We thus obtain directly that "wonderful thing" the "differential coefficient," or "first derived function," or "first derivative with respect to x."

Next let $y=x^3=z^2x$; then $dy=d(x^2x)$.

$$d(x^3)=d(x^2x)=\frac{(x^2+2xdx)\ (x+dx)-(x^2-2xdx)\ (x-dx)}{2}$$

Reducing, we have $d(x^3)=3x^2dx$ and $\frac{dy}{dx}=3x$.

We can thus go on to any extent, or prove the general applicability of the theorem by mathematical induction. For higher powers of x it is a matter of indifference how the factors are separated into two groups. Thus: $x^4=x^3x=x^2x^2$. Either form may be used, only recollecting to use the corresponding forms of the differentials. The short forms to which these formulæ reduce constitute the rules of differentiation.

As a college text-book Prof. Hardy's treatise is altogether praiseworthy. Clear, orderly, and systematic, we unhesitatingly recommend it to all who wish to make use of the most powerful of all mathematical instruments, the importance of which is daily increasing.

Recollections and Impressions. 1822–1890. By Octavius Brooks Frothingham. G. P. Putnam's Sons. 1891.

MR. FROTHINGHAM'S last of many volumes will be particularly welcome in Unitarian circles, from which he has never been excluded, and in which it is evident he now feels himself much more at home than he did while he was preaching in New York. These 'Recollections and Impressions' are significant of a more important change, for in them the writer, who was formerly as reticent in personal matters as he was outspoken in things ethical and theological, writes with the utmost frankness of his professional life, only his frequent lapses into the third person singular when speaking of himself suggesting any strain upon his natural modesty in so much reference to his own opinions and affairs. Happily, in this personal history there is less of self-depreciation than in the former habit of the writer's personal talk, but there is nothing which exceeds the limits of a proper self-respect; and those best acquainted with Mr. Frothingham's professional career will feel how little justice he has done himself as compared with the teachers and the friends whom he delineates with generous appreciation.

The opening chapter, "Parentage," reproduces the substance, not the form, of Mr. Frothingham's biography of his father, which came out a year ago. The impression given there is here intensified, for Mr. Frothingham is never happier than in his compact and vivid estimates of distinguished characters. Here, as in every subsequent delineation, we have the utmost kindness united with an absolute sincerity. His father's "dislike of Channing" and "his horror of anti-slavery agitation" are indicated without any attempt at palliation. The parts of his own character derived respectively from his father and mother are definitely assigned: "The dream of a nobler age for literature, art, science, humanity, came directly from my father. The desire to do something to make the dream an actual fact, to prove myself as of some service in the world, came from my mother."

The chapters on his Latin School and Harvard education are extremely brief; the part on the Divinity School being the most expanded. There we would gladly have had some fuller treatment of the professors, especially of Dr. Noyes, a man whose careful scholarship and admirable and vivid personality ought some time to receive the ample recognition they deserve. Mr. Frothingham's first settlement was in Salem, Mass., and his account of it is introduced with an elaborate tribute to the town, smacking too much of special preparation, and with too much "thinking under ground." Some of the personal names, which stand for much in local recollection, are mere names as we have them here, awakening no association. Mr. Frothingham's sympathy with the anti-slavery party and his admiration for the Abolitionists come out strongly in this chapter. It was this sympathy and admiration that made his Salem pastorate much briefer than it might otherwise have been. After the rendition of Sims or Burns—averse to dates and concrete facts, he does not tell us which—he refused the Lord's Supper to his church, knowing that the members generally were apologists for the Boston outrage. In this connection he speaks of himself as "democratic." His choice of terms is not often so inexact as here. Further on he describes Dr. Bellows as "an aristocrat." He was less of one than Mr. Frothingham in his tastes and breeding; but Mr. Frothingham was democratic in his convictions, and he had the courage of his convictions to their utmost bound. He was a conservative in the Divinity School in a radical set, a defender of the traditional Unitarianism of his father's coterie. Before leaving Salem in 1855, he had become a radical, transcendentalist in philosophy, anti-supernaturalist in theology, in criticism following the lead of F. C. Baur, in politics that of Garrison. Direct personal contact with Parker was at the bottom of the change, and he makes the event an occasion for a fresh characterization of Parker, which is more generous, and consequently more just, than that in his last volume, returning to that of his original biography of the great heresiarch. From Salem he went to Jersey City, and remained there four years; then to New York, and remained there till 1879. His discontinuance of the Communion Service in Jersey City suggests a discussion of the rite. His reasons for discarding it were not so personal as Emerson's. They were that it divided the congregation and encouraged self-righteousness. The reasoning is not clear which allows the ghost of it to liberals of the present day while it was impossible for him with any modification.

Mr. Frothingham's account of his New York ministry leads him to describe Dr. Bellows and Dr. Osgood. Both portraits are models of sincerity, and bring back the men to us in habit as they were. If there is a line misdrawn, it is that which minimizes the element of personal pique and disappointment in Dr. Os-

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good's defection from the Unitarian body. A chapter on the war has a good word for those who did their best at home. When riots were the order of the day, he showed a manly front. In his account of the Free Religious Association he laments "the want of a leader," but those who remember his own leadership will have little sympathy with his lament, though doubtless "another Theodore Parker" would have given to the enterprise a popular impulse which it never had. That Mr. Frothingham's self-denying ordinance does not allow him to speak, except casually, of the living, has cut us off from any characterization of his colleagues Potter and Abbot; also from any of Samuel Longfellow, of whom we always think with him and Weiss and Higginson and Johnson and Wasson. Mr. Frothingham has written Wasson's Life, and he makes briefest mention of him here, but in a chapter on his companions there is loving justice done to John Weiss and Samuel Johnson, the latter a spirit of much deeper tone than his more brilliant friend.

Another interesting chapter is that on the author's teachers, the part on Dr. Dewey being more valuable than the part on Emerson, as dealing with a man whose worth was greater than his present fame. It is, to some extent, a vindication of Dewey's anti-slavery spirit, subordinated in an evil hour to his devotion to the Union and his dread of war. The emphasis of a chapter on his companions is upon George Ripley, whose biography Mr. Frothingham wrote for the "American Men of Letters" series. A chapter on the Clerical Profession deals mainly with the relations of clergymen to their rich parishioners. If the rule is mean subserviency, it has many honorable exceptions. Endeavoring to forecast the religious future of America, he seems to think that the Ethical Culture movement has the road, but subsequently he maintains that the religion of the future will be Christian, though hardly Unitarian.

The concluding chapter of "Confessions" brings out in sharp relief the writer's catholic sympathies, his freedom from all dogmatism, his insatiable curiosity, his delight in every manifestation of the free intellect, his insuperable inclination to hear the other side. These are not the qualities that attract partisans and develop organization; but they are qualities which, in a man or in his book, those who find something of them in themselves will attend to with much satisfaction.

The Buccaneers and Marooners of America. Edited by Howard Pyle. Macmillan & Co.

THIS book has a rightful place in the "Adventure Series." It contains most of Exquemelin's 'History of the Buccaneers,' and a selection from Johnson's 'General History of the Pyrates of New Providence.' There is a thoughtful introduction, but a grand opportunity for annotating the records of an obsolete form of social combination has not been taken advantage of. Here one may read of that dare-devil Frenchman François Lolonois, whose hatred of the Spaniards was equalled by the fierceness of his cruelty towards them. The acts of the famous Sir Henry Morgan, who, from serving his time as a bondsman in Barbados, rose to be an "Admiral" of Buccaneers and Lieutenant-Governor of Jamaica, are here set forth, down to his startling action in taking and sacking Panama. The desperate valor of the Buccaneers, their fertility of resource in cases of extremity, their shocking cruelties to the Spaniards, their wanton life at Port Royal, Jamaica, on their return with their "purchase," as, in Shaksperian phrase, they called their booty, will be found "writ large" in this volume.

Turning from the Buccaneers, who made war against the Spaniards, we come to the Pirates, who warred against mankind in general. With these it was, indeed, *homo homini lupus*. About that ferocious outcast Teach, nicknamed "Blackbeard," who for some time was the terror of the Carolina Coast, the most satisfactory piece of reading is that wherein we are told of the gallant way in which the naval Lieutenant, Maynard, tackled the ogre in a life-and-death struggle. The ignoble acts of Captain William Kid, whose proceedings caused so much concern to Lord Bellamont, are given in detail, down to the hanging, at Execution Dock, of the Captain and some of his fellows. Although Avery's fame was great, on account of his capture of a rich ship belonging to the Great Mogul, that worthy seems to have been fitter to be a pickpocket than a pirate. For a good first-class highwayman of the sea, give us Capt. Bartholomew Roberts, as bloody-handed a ruffian as ever lived. The ordinary black flag, which the pirates called by the pet name of Jolly Roger, did not suffice for him. Offended by attacks made upon him by orders from the Governors of Barbados and Martinique, he caused a new jack to be made and always to be used. On it was his own figure, standing upon two skulls, and under these were the letters A. B. H. and A. M. H., signifying a Barbadian's head and a Martinican's head. The destruction of this pirate and his horde, on the west coast of Africa, by Capt. Chaloner Ogle of the King's ship *Swallow*, was a notable service rendered to commerce.

Johnson has a quaint fashion of describing the ways of the Pirates. Take the case of Harry Glasby, who was guilty of one of the most heinous possible of offences against the piratical state—that of trying to run away. Being captured, he would surely have been condemned to death but for the powerful interposition of the Lord Ashplant. Imagine the pirate judges, a good deal the worse for liquor, and employed in smoking. Glasby, and two others who had tried to escape along with him, pleaded for arrest of judgment. This the Court would not grant, such was its abhorrence of their crime. Then arose Ashplant, one of the judges, and, taking his pipe out of his mouth, said "he had something to offer to the Court in behalf of one of the prisoners." Then, with a profusion of oaths, he announced that Glasby "should not die." Thereupon he sat down, resuming his pipe. His brother judges warmly dissented. Again Ashplant spoke, and, interjecting many oaths, announced that he was "as good a man as the best of them"; that he never turned his back to any man in his life, nor ever would. Glasby was, he said, an honest fellow, and he loved him notwithstanding his misfortune. Glasby, he hoped, would "live and repent what he had done"; but if he must die, asseverated Ashplant, "I will die along with him." And now, according to Johnson, "he pulled out a pair of pistols and presented them to some of the learned judges upon the bench, who, perceiving his argument so well supported, thought it reasonable that Glasby should be acquitted; and so they all came over to his opinion and allowed it to be law." The topsy-turvydom of the sense of right and wrong that is betrayed in Ashplant's hope that Glasby would "live and repent what he had done," was familiar to the gentlemen of fortune, as the pirates described themselves. Roberts, for instance, used to tell the new hands that when he first went into the business he had shed as many crocodile tears as did they, but that time and "good company" had worn it off. In a similar strain, Roberts wished farewell to another pirate band, hoping "the Lord would prosper their handy works."

The typographical get-up of this book is much to be commended. It is in marked contrast to the cruelly small print used in Walker's 1810 edition of the 'History of the Buccaneers.'

Outlines of Psychology. By Harald Höffding. Translated from the German by Mary E. Lowndes. Macmillan & Co. 1891. Pp. 365.

Mechanism and Personality: An Outline of Philosophy in the Light of the Latest Scientific Research. By Francis A. Shoup, D.D., Professor of Analytic Physics, University of the South. Boston: Ginn & Co. 1891. 12mo, pp. 343.

HÖFFDING'S 'Psychology' has had to pass through a second medium before it reached the English. There is danger of some refractions in it on this account. It was written in Danish and translated into German, while the English form is from the latter language. To the English translation the very highest praise can be given. Smooth, elegant, and graceful in style, it betrays no traces of its derivation from a foreign language. Like the translation of Lotze's 'Microcosmus' by Sir William Hamilton's daughter and Miss E. Constance Jones, the present volume shows a useful sphere for the intellectual activity of woman, and it is a considerable credit to the philosophic sympathies of the sex.

Few books are better adapted than this, in completeness of outline and material, for the purposes of advanced instruction on the subject of psychology, with the exception of one department of it. The first important merit of the work is its emphasis of the scientific as opposed to the metaphysical point of view in the study of psychology, and this is well expressed in the remark that the student of it is as little bound to give an explanation of what mind is, as physics is obliged to begin with an explanation of what matter is. How much greater an advance would psychology have made during the last half-century had such a maxim prevailed! But in spite of this the author has not cut entirely loose from metaphysical discussion. It is true that he does not begin with any special theory to defend or oppose, but at every point we are made to feel the connection between certain psychological facts and some metaphysical theory new or old, and scarcely any one could rival the author's faculty for blending the scientific and the metaphysical implications of his subject. Besides, although the author professes to have discarded philosophy and to have adopted the empirical position, an uncommon amount of scientific metaphysics, if we may use the expression, is unconsciously admitted into the discussion, showing that what critics of metaphysical psychology mean by the term is merely a particular set of views which they do not like. Metaphysics does not change its character by changing its name. The fact is, that the author is too deeply versed in modern philosophy to eliminate wholly its influence on his psychology. Throughout the entire work we feel the breath of a philosophic world blowing upon us. We do not entirely regret it, because, although psychology can be treated exclusively as a science, its chief interest lies in that borderland which connects it with philosophy. The author has most admirably developed that aspect of the subject.

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It is only after the first hundred pages that we reach the scientific side of the problem. The division is into Sensation, Ideation, Perception of Time and Space, and the Perception of Reality, all four topics being comprehended under the general one of Cognition. The two later divisions are the Feelings and the Will. Sensation is adequately discussed, and, what is better, more correctly distinguished from perception than is usual, although all separation of them must be purely abstract. It is in the treatment of Ideation that both the greatest merits and the greatest defects of the work are discoverable. The close relation between the so-called higher brain processes and the lower could not be better treated. It is here that modern psychology is revolutionizing the mediæval and scholastic antithesis between the nature of sensations and the nature of thought. Pierre Janet's experiments upon the connection between anæsthesia and memory, along with many independent observations of others, and the modern faith in the continuity of all phenomena, have established this intimate connection in kind beyond a doubt. In view of this fact it would have been very interesting had the author discussed in a new light the rational processes of Conception, Judgment, and Reasoning. But they are dismissed in the most perfunctory manner, and the teacher must know all about the subject in order to supplement the author's shortcomings in this respect. Höffding's discussion of the Feelings is unusually full and excellent, although we think the term is given too comprehensive a meaning and is often very vaguely employed. Both in German and in English this conception needs careful clarifying. The treatment of the Will is nearly as exhaustive as Bain's, and is much more sober and philosophic.

'Mechanism and Personality' is, in some particulars, the direct opposite of Höffding's work. Its very title makes it a metaphysical study, and yet it purports to be psychology. Fortunately, it is more scientific than its name would imply. As an outline, comprehending both psychology and ethics, the work is not without merits of a kind, and especially shows considerable knowledge in detail of those subjects for a writer whose business is the teaching of physics. But he has not got beyond those who make psychology an introduction to philosophy. Hence he will most likely please those sectarian institutions which wish to inculcate metaphysics and at the same time coquet with science.

Riding and Polo. [Badminton Library.] Boston: Little, Brown & Co.

If life were all riding and polo—and there are certainly individuals who seem to live for very little else—this latest volume of the "Badminton Library" would contain the key to all its mysteries. The subject is handled by various writers from different points of view, and nothing of importance seems to have been overlooked. The reader is treated to a brave show of learning and to a bibliographical appendix, and with these aids is carried gently down the stream of riders from Pollux and Xenophon to Buffalo Bill. To the Greeks, indeed, full justice is done, for it is declared that they were ideal horsemen; and there is, in fact, much evidence to show that they excelled in riding as in most other things. But when it is solemnly stated that "no man can ride or drive like an Englishman," some scepticism may be permitted to those who have seen the riding of the cowboys on the plains and the driving of the stage-drivers in the mountains of some of our Western States. In two kinds of riding the English are undoubtedly preëminent, namely, riding to hounds and polo-playing; and in both of these they have the advantage of long experience and unlimited practice. In regard to polo, which is as yet in its infancy in this country, the superiority of the English players is largely due to their ponies. The game is played nowadays at great speed, and the Western ponies must be crossed with thoroughbreds in order to enable our players to compete on even terms with the English cracks. It is doubtful if riding to hounds will ever become popular here. Some of the strongest advocates of the sport are discouraged by the increasing use of wire fencing, but the Governor of New Zealand, in a chapter on the "Colonial Horse," avers that horses soon get accustomed to these fences, and that, in fact, fewer accidents occur in jumping them than among the old-fashioned hedges of the English shires.

Much valuable advice is here given as to the best method of bringing up young horses. Stress is rightly laid on the avoidance of undue severity and on the wonderful effect of the human voice in inducing obedience; and one of the truest remarks in the book is that "a horse's bad habits are almost invariably due to a man." Some of the distinguished contributors cannot write of horses without dragging in the wearisome Irish question, others have lax views as to the difference between "lay" and "lie," and others again are altogether too voluminous; but in spite of such obvious lack of editing, the book should be read by all who are interested in horse-flesh.

Are the Effects of Use and Disuse Inherited? An Examination of the Views held by Spencer and Darwin. By William Platt Ball. Macmillan & Co. 1890. 12mo, pp. xii., 156.

Among the numerous books that owe their existence to what "Darwin says" or "Darwin thinks," this is one of the latest. It is one for which the greater demand will undoubtedly come from those who, with its author, believe in the supreme potency of selection. It is not an impartial discussion of the views of Spencer and Darwin in favor of the inheritance of the effects of use and disuse, as might be expected from the title. Contributing little or nothing from his own observation, the author stands in a peculiar position throughout the essay. He discredits Darwin, on whom he relies for his own support, whenever Darwin may be cited in support of Spencer. Thus, Darwin is shown to be unreliable except when his views coincide with those advocated by Ball. Pangenesis, which might favor use-inheritance, is thrown aside; but sexual selection, thrown out by Wallace, is reinstated. Conclusions of Darwin quoted by Spencer are shown up as if based on incomplete observations, wrong interpretations, mistaken suppositions; or it is asserted that the facts may be due to other than the assigned causes, may be simulations, might be coincidences, might be effects of selection, etc., etc. Yet the opinion of the author as to what certain phenomena may, might, or would do, put forward as if proving something, can have no weight with readers who do not admit that the theory on which he bases his possibilities has been sufficiently proved. Exceptions to his attributes of selection render his structure unstable. He admits that use is the determining circumstance in evolution generally, that all organs and faculties can only have been moulded by usefulness and by using, but, he adds, not necessarily by directly inherited effects of use and disuse of parts in the individual. With his own definitions and limitations to direct effects in kind, etc., it is this negative he attempts to establish; but, even with the favoring restrictions, his presentation of the matter has the appearance of an earnest plea for suspension of judgment rather than that of a convincing argument.

The Unearned Increment; or, Reaping without Sowing. By William Harbutt Dawson. London: Swan Sonnenschein & Co.

This little book has the distinction if not the merit of advocating the confiscation of property in land with no violence of language. It contains also some very just complaints against the English practice of making public improvements without assessing any of the expense upon the property that is benefited—a practice that could obviously be changed without impairing any vested right. Otherwise there is nothing novel in the book, and we may advantageously devote our attention to what is not in it, nor in other books of its class—an examination of the assumptions upon which this theory of confiscation proceeds.

For this purpose we may concede that rent, in the economic sense, represents a value to which landlords have made no contribution, although as a matter of fact this concession would be far from proper, the receipts of landowners as a class for rent being to a considerable extent balanced by their expenditure for the same account. But letting the concession stand, the first assumption is that justice requires that unearned value in the shape of rent should be taken away by law from those in whom the law has hitherto recognized a title to it. It is evident that this is a particular case under a more general law, that justice requires the abolition of property in all unearned values. The gains of personal property made by every successful speculator are as much within the purview of this law as the rent of land, and it would not be easy to exclude from it the advantages due to any exceptional personal endowment. It cannot be objected that there would be practical difficulties in applying the law to other values than that of land, for that at once reduces the whole matter to the test of expediency, and we are then remitted to the forum of experience in order to determine whether any particular right of property has been found to be, on the whole, conducive to the progress of civilization, and whether the process of confiscation is not likely to cause disasters that would outweigh its gains. To this court the landlords could not refuse to go, unless they insisted upon the absolute sanctity of proprietary right, in which case they would make assumptions more sweeping than those of their adversaries.

The second assumption is that justice requires that the unearned value of land when confiscated should be distributed among "society." This proposition is subject to the same enlargement as the other, but a more serious objection arises from its ambiguity. It involves the assumption that the value not earned by landlords has been earned by all other human beings. But it is evident that this is not true, for the world is full of other miscreants than landlords, who occasion such an enormous expense in the shape of policemen and courts and prisons and locks and bolts and bars as to reduce materially the values of all property. The value in question, therefore, must be distributed, not among all, but among some human beings. But which, and in what proportions? It would seem that the distribution should be confined to the virtuous

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members of "society," excluding those who as landlords have touched the "accursed thing," but as to the proportions, it does not seem possible even to guess at what justice would require.

This difficulty is generally met by theorists of this class with a fallacy of division. After showing that "society" at large has caused the increased value of land, they immediately proceed to assume that the increased value of the land within the spatial limits of any political body is due to those human beings who reside within those limits, and should be distributed among them. The preposterous character of this assumption appears upon a moment's reflection. Who will seriously contend that the value of land within the city of New York is caused by the inhabitants of that city? It is at least partly due to the natural advantages of that place. Situated as it is, it levies a toll upon a great part of the products of the United States, upon a considerable part of the products of the world. Did the dwellers in New York city establish the course of the Hud on River, or did they excavate the Erie Canal? Did they construct their magnificent harbor, or pay for the railways that pour into their lap the wealth of the prairies of the West? *Fiat justitia, ruat cœlum.* If the landlords of New York are to be dispossessed in the name of justice, the spoils rightfully belong to the whole body of men to whose existence they are due, and not alone to those existing within the city. No practical difficulties can stand in the way of an absolute law. The foul stain of landlordism is not wiped out by substituting a municipal corporation for an individual, nor can an injustice to society at large be remedied by favoring some fortunate communities.

The position of the English advocates of confiscation is especially weak. The inhabitants of the British Isles, having by the strong hand subdued many other races and established their dominion over a great part of the surface of the globe, to the considerable "increment" of the value of that minute portion inhabited by themselves, are now told that "justice" demands that this increment must be restored—to the inhabitants of the British Isles, many of whom have earned it only by having been good enough to be born. It is not easy to construct a definition of justice that shall satisfy the requirements of this situation, but it may be seriously urged that such a definition should be presented before the process of confiscation is begun. Confiscation in the name of justice is a dangerous measure. "Let no one," said Machiavelli, "who begins an innovation in a State expect that he shall stop it at his pleasure, or regulate it according to his intention."

We are far from denying that the spectacle of wealth in the hands of men who have obtained it without rendering any service to their fellows arouses indignation. But the surest way to perpetuate such abuses is to proclaim the principle that proprietary rights acquired under the protection of law may at any time be deprived of that protection. Such a principle, if adopted in practice, would destroy civilization, by making the acquisition of property a matter of speculation. The accumulation of wealth takes place only when men become assured that they may reasonably count upon the stability of law. Hardly any result is so desirable as to be worth attaining at the cost of shattering this confidence. If the reformers whose theories we have criticised had contented themselves with proposing special taxation upon future "unearned increments," they might have accomplished something. As it is, their scheme has so shocked the common morality as to have rendered odious all attempts at scientific taxation. Mr. D. A. Wells long since pointed out the direction which these attempts should take, but it would be hopeless at present to advocate any plan that might be confounded by the public with the scheme for the confiscation of rent.

BOOKS OF THE WEEK.

Babson, J. J. Notes and Additions to the History of Gloucester. 2d series. Salem, Mass.: The Salem Press.
Clarke, W. H. The People's Horse, Cattle, Sheep, and Swine Doctor. New York: M. T. Richardson. $1.
De Leon, T. C. The Puritan's Daughter. Mobile, Ala.: The Gossip Printing Co. 50 cents.
Flügel, Dr. Felix. English-German and German-English Dictionary. Part 8. New York: B. Westermann & Co.
Goss, John. Forensic Eloquence. San Francisco: The S. Carson Co. $1.25.
Grant, Robert. The Carletons. Robert Bonner's Sons. $1.
Hunt, Julia M. A Woman's Talent, and Other Stories. Boston: De Wolfe, Fiske & Co.
Lanin, E. B. Russian Traits and Terrors. Boston: Benj. R. Tucker. 35 cents.
Martin, Mrs. Annie. Home Life on an Ostrich Farm. D. Appleton & Co.
Miller, Rev. J. R. Making the Most of Life. T. Y. Crowell & Co. $1.
Murray, J. A. H., and Bradley, H. A New English Dictionary on Historical Principles. Vol. III., Part I. E—Every. Oxford: Clarendon Press; New York: Macmillan.
The Monist. Vol. I. Oct., 1890—July, 1891. Chicago: The *Open Court* Publishing Co. $3.
Thompson, Prof. R. E. The Divine Order of Human Society. Philadelphia: John D. Wattles. $1.
Virgil. Bucolics. Macmillan & Co. 40 cents.
Voyages and Adventures of Mendez Pinto. Macmillan & Co. $1.50.
Webb, W. S. California and Alaska. 2d ed. G. P. Putnam's Sons. $2.25.
Westermarck, Edward. The History of Human Marriage. Macmillan & Co. $4.
Whiting, C. E. The Complete Music Reader. Boston: D. C. Heath & Co. 90 cents.
Whiting, H. A Short Course of Experiments in Physical Measurement. Part III. Cambridge, Mass.
Whitman, Walt. Good-Bye, My Fancy. Philadelphia: David McKay.
Whitman, Sidney. Imperial Germany. John W. Lovell Co.
Winslow, I. O. The Principles of Agriculture for Common Schools. American Book Co. 60 cents.
Zagosin, Michael. Tales of Three Centuries. Boston: Little, Brown & Co. $1.

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